

APPENDIX IV
COMMENT LETTERS (10) TO DRAFT FIVE-YEAR PLAN
AND
SWRCB RESPONSES



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CALIFORNIA

MARINE AFFAIRS AND NAVIGATION CONFERENCE

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August 4, 2003

Steve Fagundes, Chief
NPS Program Implementation Unit
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Subject: Draft NPS Implementation Plan for Marinas and Recreational Boating

Dear Mr. Fagundes:

Thank you for the opportunity to comment on the Draft Nonpoint Source Program Implementation Plan for 2003-2008.

In Section V. B. II. Concerning the TMDLs, there is a reference that the TMDL implementation plans will utilize the Management Measures. Would you please be more specific as to how this will occur?

In Section V. B. III. There are comments concerning a marina and its relationship to the watershed it is within as well as the sources of pollutants that may enter the marina from the watershed. This recognition is appreciated.

In Section V. B. III.1. There is a comment Marinas are responsible for any oil contamination resulting from their facilities. Would you please be more specific as to what you are stating. As an example are marinas responsible for the oil coming out of a sunken vessel?

In Section V. B. VII. There is reference to the creation of objectives (VIII – XI). The objectives do not quantify or qualify the pollutants or the amount of pollution coming from marinas and recreational boating. Prior to the development and enforcement of standards, there needs to be an understanding of what are the pollutants at a marina, where they are coming from, what the ambient pollution levels in the water body are, and etc. This suggestion is similar to the approach being undertaken by the San Francisco Bay Conservation and Development Commission as outlined in Table V.

ROBERTA GOULART
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JAMES M. HAUSSENER
EXECUTIVE DIRECTOR

The mission of C-MANC is to optimize maritime benefits by providing advocacy for the sustainable maintenance and improvements of California harbors, ports, coastal and navigation projects.

In Table V. there are items that either don't directly belong within the Marinas and Recreational Boating aspect, such as cargo or cruise ship ballast water, or that cross several functional areas such as the plastics program and the TMDL for pathogens in Richardson Bay from marinas and urban runoff. There are several references to fuel docks and the "soon to be published" Underwriters Laboratories Standards. For the past several months I have tried to ascertain what the status of these Standards is. So I am not sure that they can be called "soon to be published."

An area that is lacking, in my mind, is the development of a statewide program on how to measure pollutants within a marina. There are numerous water quality studies underway by a variety of non-governmental and governmental organizations. Unfortunately, the data being collected by a museum in San Francisco for a marina in San Francisco Bay cannot be compared to the data collected by an institute in Washington for the very same marina. I urge the Statewide Interagency Coordinating Committee and the Marinas and Recreational Boating Workgroup to look at this issue and develop some standards of measuring pollutants in the water column and sediments at marinas so that the data collected can be compared with that collected at other marinas and in the open waters.

In the nine years since the State of California created Technical Advisory Committees concerning nonpoint source management in California, I believe there has been a steady decrease in pollutants released by recreational boating in California, due to the educational efforts and outreaches being made by a variety of dedicated individuals, associations, and governmental agencies.

Sincerely,



James M. Haussener
Executive Director



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street, Sacramento, California 95814 ♦ (916) 341-5487
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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

OCT 30 2003

Mr. James H. Haussener
Executive Director
California Marine Affairs and
Navigation Conference
7172 Regional Street, PMB 299
Dublin, CA 94568

Dear Mr. Haussener:

DRAFT CALIFORNIA NONPOINT SOURCE (NPS) PROGRAM FIVE-YEAR IMPLEMENTATION PLAN FOR MARINAS AND RECREATIONAL BOATING CATEGORY

Thank you for taking the time to review and provide comment on the Draft NPS Five-Year Implementation Plan (Draft Five-Year Plan). It is through your communications and others like yours, that a statewide understanding of the importance of NPS Program implementation can occur.

Our response to your comments specific to the Marinas and Recreational Boating category and any modifications that were made to address your concerns are provided below.

1. Comment – Section V.B.II. Please be more specific as to how total maximum daily load (TMDL) implementation plans will utilize the NPS Management Measures (MMs).

If water quality impairments in a TMDL listed waterbody are attributed to nonpoint sources of pollution, then applicable NPS MMs for the identified source(s) of NPS pollution will need to be included in the TMDL Implementation Plan. If a marina is located in an impaired water body that is targeted for TMDL development, and if the marina is considered a potential source of that pollution, then applicable Marina and Recreational Boating MMs and appropriate management practices would need to be included in the TMDL Implementation Plan. The specific MMs that would be used in the TMDL implementation process would be dependent upon the impairments and the NPS pollutants contributing to the impairments.

2. Comment – Section V.B.III. Appreciate recognition concerning a marina and its relationship to the watershed it is within as well as the sources of pollutants that may enter the marina from the watershed.

Comment accepted.

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3. Comment – Section V.B.III.1 Marinas are responsible for any oil contamination resulting from their facilities. Wants more specificity as to responsibilities. As an example are marinas responsible for the oil coming out of a sunken vessel?

Under the federal Oil Pollution Act (OPA), any hazardous spill from a vessel must be reported by the owner of the vessel and vessel owners are responsible for any costs of a resulting environmental cleanup and any damage claims that might result from the spill. Marina owners are not responsible for oil coming out of a vessel for which they have no control. They are required by law to immediately report any observed oil spill or slick. Reports may be made by telephone to either the Governor's Office of Emergency Services at 1-800-OILS-911, or the California Department of Fish and Game Office of Spill Prevention and Response (OSPR) at 1-888-334-2258.

The following information will be added to Section V.B.III.1: The Department of Fish and Game Office of Spill Prevention and Response (OSPR) enforces the laws designed to prevent spills, dispatches units to respond to spills, and investigates spills. The OSPR maintains a 24-hour Communications Center headquarters in Sacramento. The Center has the responsibility of dispatching wardens to marine oil spills. Anyone seeing an oil spill or slick is required by law to report the sighting. Reports may be made by telephone to either the Governor's Office of Emergency Services at 1-800-OILS-911 or to OSPR at 1-888-334-2258.

4. Comment – Section V.B.II. The objectives do not quantify or qualify the pollutants or the amount of pollution coming from marinas and recreational boating. The commenter is concerned that the State will be engaged in standards development and enforcement before there is a concerted effort to determine what pollutants are present in the marina environment, where they are coming from, and the ambient pollution levels in the water body.

We acknowledge that it would be ideal to conduct baseline water quality assessments at marinas to define the extent of NPS pollution and the contribution attributable to the marinas and recreational boaters. Unfortunately, the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs) do not have the staff or financial resources to assess the more than 600 marinas located in California.

We are aware of several efforts to quantify pollutants coming from marinas and recreational boating activities. San Francisco Bay Conservation and Development Commission (SFBCDC), in coordination with the San Francisco Bay RWQCB (SFB-RWQCB), is in the process of designing and implementing a marina water quality sampling program for San Francisco Bay. Also, Waterkeepers Northern California has received grant funding from the SWRCB to conduct a Green Marinas Project. Waterkeepers will be coordinating with the SFBCDC, the SFB-RWQCB, and the California Coastal Commission. One of the goals of

this project is to conduct ambient water quality monitoring to provide a broader assessment of pathogen problems by gathering baseline data and providing a relative assessment of pathogen sources. There are additional grant funded projects that could provide additional information about marina and boater pollution impacts, and more are expected in the future.

In addition, the San Diego RWQCB (SD-RWQCB), in response to their continuing water quality concerns in the harbors of the San Diego Region, is requesting the county, applicable cities, and port districts to propose and conduct a coordinated and comprehensive harbor water quality monitoring program for San Diego Bay, Mission Bay, Oceanside Harbor, Del Mar Boat Basin, and Dana Point Harbor.

More water quality assessments can be expected in impaired waters in response to the TMDL Program and preparation of TMDL Implementation Plans. Also, SWRCB's NPS Program staff is coordinating with the Surface Water Ambient Monitoring Program (SWAMP) to enhance water quality monitoring in support of the California NPS Program. Lastly, the Santa Monica Bay Restoration Project, Morro Bay National Estuary Program, Association of Monterey Bay Area Governments (created to safeguard the water quality of Monterey Bay and its tributaries), and other regional efforts should provide additional information that can be useful in quantifying the amount of pollution coming from marinas and recreational boating activities.

5. Comments - Table V. There are items that either don't directly belong within this category, such as cargo or cruise ship ballast water, or that cross several functional areas such as the plastics program and the TMDL for pathogens in Richardson Bay from marinas and urban runoff. There are several references to fuel docks and the "soon to be published" Underwriters Laboratories (UL) Standards. For the past several months I have tried to ascertain what the status of these standards is.

We agree that activities related to cargo or cruise ship ballast water do not belong within this category and have been removed from the Five-Year Plan.

We do not agree that the activity to coordinate efforts to reduce plastics pollution does not belong in this NPS category. What gets tossed overboard can have a deadly impact on marine life and cause problems for other boaters. Plastic is perhaps the most harmful of this trash, because it does not readily break down in nature. Every day, more and more plastic is accumulating in our oceans. Recreational boaters are one the groups that improperly disposes of plastic refuse. According to the Center for Marine Conservation, over 25,000 pieces of fishing line were collected from United States beaches during the 1996 annual beach cleanup, and at least 40% of all animal entanglements reported during the cleanups involved fishing line. Plastics pose a serious enough threat to the marine environment that, in 1987, Congress enacted the Marine Plastic Pollution Research and Control Act. This law prohibits the dumping of plastics in all United States waters and applies to all

watercraft – from the smallest recreational boat to the largest commercial ship. In addition, marinas are required to maintain adequate facilities for the disposal of refuse regulated under this act.

The activity related to the TMDL for pathogens in Richardson Bay from marinas and urban runoff, does have a place in the NPS Implementation Plan for this NPS Category. Impaired waters may include impacts from both point and NPSs. Therefore, the TMDL Program and the NPS Program are closely related and efforts of these programs need to be coordinated. A TMDL Implementation Plan developed to address a nonpoint pollution source will require implementation of NPS MMs and applicable management practices to address the impairment related to the NPS. Accordingly, the implementing RWQCB will want to include these activities in their five-year implementation plans for the NPS Program.

The effort by UL to publish standards (UL 2248: Marina Fuel Storage, Piping, and Dispensing System; and UL 2405: Aboveground Secondly Contained Piping for Flammable Liquids) had depended on a successful contract between UL and the SWRCB. Unfortunately, contract issues delayed the execution of this contract, and there is now some question regarding availability of funds, in view of State budget cutbacks. Therefore, we expect the timing of the publication of the standards to depend on when the contract could be executed. UL would publish the standards no sooner than May 2004. If you have questions about the standards for marina fueling facilities, please call Laura Chaddock of the SWRCB Division of Water Quality (DWQ) at (916) 341-5870.

6. Comment – Need to develop a statewide program on how to measure pollutants within a marina. Statewide Interagency Coordinating Committee (IACC) and the Marinas and Recreational Boating Workgroup needs to develop some standards of measuring pollutants in the water column and sediments at marinas so that data collected can be compared with that collected at other marinas and in the open waters.

Additional objectives have been added to the Five-Year Implementation Plan, including an objective to “continue to assess waterbodies, identify sources of NPS impacts from recreational boaters and marinas and increase inspections.”

The primary purpose of the Five-Year Plan, the IACC, and the Marinas and Recreational Boating Workgroup is to coordinate efforts, share information and encourage consistency in statewide NPS efforts. The SFBCDC provides regular updates to the Marinas and Recreational Boating Workgroup on their project, plus members of the State Workgroup participate on the SFBCDC’s Marina and Recreational Boating NPS Taskforce. It is expected that the information compiled from SFBCDC marina’s project will be useful for other agencies and RWQCBs in designing monitoring programs for marinas. It is important to note that this work is and will continue to be contingent upon available funding which requires State agencies to prioritize their resources. This may not be the highest priority for State agencies that are facing staffing and funding reductions.

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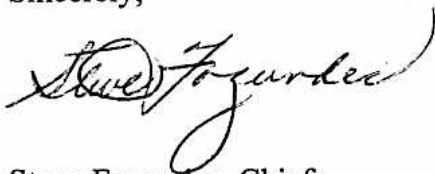
Another option for establishing baseline conditions within marinas is to consider the direction taken by the San Diego RWQCB. In response to continuing water quality concerns in the harbors of the San Diego Region, the RWQCB is requesting Orange County, the cities of San Diego and Oceanside, San Diego Unified Port District, and U.S. Marine Corps to propose and conduct a coordinated regional harbor monitoring program for San Diego Bay, Mission Bay, Oceanside Harbor, Del Mar Boat Basin, and Dana Point Harbor. The actual sampling, analysis, and reporting efforts will eventually track fishability and swimmability of harbor waters and measure trends in protection of beneficial uses. Participants are expected to include industrial, stormwater, and boating interests. A similar regional monitoring effort is underway in San Francisco Bay under a program administered by the San Francisco Estuary Institute.

Also, SWRCB's NPS Program staff is coordinating with the SWAMP to enhance water quality monitoring in support of the California NPS Program.

We commend your association's efforts to provide education and outreach to marina owners, operators and boaters. We also appreciate efforts made by marina owners and operators and recreational boaters to reduce the release of pollutants into State waters.

Thank you again for taking the time to review and comment on the Draft Five-Year Plan. It is through these communications and others like them, that a statewide understanding of the importance of NPS program implementation can occur. If you have any further questions, please do not hesitate to contact me at (916) 341-5487 or Diane Edwards of the NPS Program Plan Implementation Unit at (916) 341-5908.

Sincerely,



Steve Fagundes, Chief
NPS Program Plan Implementation Unit

cc: Ms. Lisa Sniderman
San Francisco Bay Conservation and
Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

cc: Continued next page

Mr. James H. Haussener

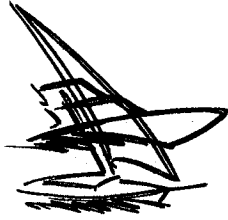
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cc: Continuation page

Ms. Dale Hopkins
California Regional Water Quality
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California Regional Water Quality
Control Board, San Diego Region
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August 11, 2003

Steve Fagundes, Chief
NPS Program Implementation Unit
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Subject: Draft NPS Implementation Plan for Marinas and Recreational Boating

Dear Mr. Fagundes:

Thank you for the opportunity to comment on the Draft Nonpoint Source Program Implementation Plan for 2003-2008. I am offering these comments on behalf of the Northern California Marine Association (NCMA), a non-profit trade association representing approximately 350 recreational marine businesses in Northern California.

In Section V.A. The bulleted items reference boat maintenance or repair yards. It should be emphasized that, in California—unlike the situation on the East Coast--marinas and boatyards are typically separate entities and are regulated under NPDES Stormwater regulations and permits to control pollution sources.

In Section V. B. II. The document states that the TMDL implementation plans will utilize the Management Measures. Which specific Management Measures will be used in the TMDL processes and in which impaired water bodies?

In Section V. B. III. The NCMA appreciates the comments concerning a marina and its relationship to the surrounding watershed and the fact that the watershed can serve as the source of pollutants that may enter the marina.

In Section V. B. III.1. In this section, OPA regulations are mentioned, but no mention is made of marine fuel dock inspections carried out by the Department of Fish and Game's OSPR office.

In Section V. B. VII. Following this section the document refers to the creation of objectives (VIII – XI). However, the objectives do not quantify or qualify the pollutants or the amount of pollution coming from marinas and recreational boating. The NCMA is concerned that the state will be engaged in standards development and enforcement before there is a concerted effort to determine what pollutants are present in the marina environment, where they are coming from, and the ambient pollution levels in the water body. What specific efforts will be carried out in these areas in this 5-year period?

In Table V. Several items in this section do not seem to belong within the Marinas and Recreational Boating chapter, for example the Kelp Restoration Project and the cargo or cruise ship ballast water projects. There are multiple projects dealing with bacteria contamination as well as a State Board project to develop an indicator test. Are these efforts coordinated? Will these various projects be using the newly developed indicator test?

I represented the NCMA on the original Marinas and Recreational Boating Technical Advisory Committee in 1994. The overwhelming consensus of the marina and boating representatives at that time was for a statewide program to establish baseline conditions for pollutants within a marina. That consensus continues to this date, and other than the BCDC pilot study in San Francisco Bay, such an effort still seems to be lacking. The Statewide Interagency Coordinating Committee and the Marinas and Recreational Boating Workgroup need to address this issue and to develop some standards for measuring pollutants in the water column and sediments at marinas so that the data collected can be compared with that collected at other marinas and in open waters.

Table V lists the various grants issued to governmental agencies and non-governmental organizations. I am familiar with several of these programs and am concerned with the apparent duplication among projects and with existing programs. I am also concerned that several of the organizations that have received funding are not very knowledgeable about marina operation or recreational boating. The success of these efforts depends on the buy-in of boaters and of the recreational marine industry. That buy-in is more difficult to obtain when the project sponsors do not understand recreational marine related issues. I urge the IACC and the Marinas and Recreational Boating Workgroup to seek the guidance of industry and boating stakeholders in the grant selection process.

In the past nine years, there has been a steady increase in environmental awareness by the recreational boating community. That awareness, evidenced by the educational efforts and outreach being made by a variety of dedicated individuals, associations, and

Steve Fagundes, Chief
August 11, 2003
Page 3

governmental agencies, has resulted in a steady decrease in pollutants released by recreational boating in California.

Sincerely,

A handwritten signature in black ink, appearing to read 'M'K Veloz', written in a cursive style.

(Ms) M'K Veloz
Administrative Director



State Water Resources Control Board

Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Quality
1001 I Street, Sacramento, California 95814 ♦ (916) 341-5487
Mailing Address: P.O. Box 2231, Sacramento, California 95812
FAX (916) 341-5808 ♦ Internet Address: <http://www.swrcb.ca.gov>



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OCT 30 2003

Ms. M'K Veloz
Administrative Director
Northern California Marine Association
P. O. Box 1877
San Leandro, CA 94577-0276

Dear Ms. Veloz:

DRAFT CALIFORNIA NONPOINT SOURCE (NPS) PROGRAM FIVE-YEAR IMPLEMENTATION PLAN FOR MARINAS AND RECREATIONAL BOATING CATEGORY

Thank you for taking the time to review and provide comment on the Draft NPS Program Five-Year Implementation Plan (Draft Five-Year Plan). It is through your communications and others like yours, that a statewide understanding of the importance of NPS Program implementation can occur.

Our response to your comments specific to the Marinas and Recreational Boating Category and any modifications that were made to address your concerns are provided below.

1. Comment - Section V.A. The bulleted items reference boat maintenance or repair yards. It should be emphasized that in California – unlike the situation on the East Coast – marinas and boatyards are typically separate entities and are regulated under National Pollution Discharge Elimination System (NPDES) Stormwater regulations and permits to control pollution sources.

The referenced bulleted items clarify what operations and facilities are covered by the NPS Program's management measures (MMs) established for this NPS category. These are the same operations and facilities that are contained in the Plan for California's NPS Pollution Control Program, January 2001, that was approved by the U.S. Environmental Protection Agency and National Oceanic and Atmospheric Administration in July 2001. We agree to include additional clarification stating that "Typically, boat yards are separate entities from marinas and are regulated under National Pollutant Discharge Elimination system (NPDES) Stormwater regulations and permits to control point sources of pollution."

2. Comment – Section V.B.II. The document states that the total maximum daily load (TMDL) implementation plans will utilize the NPS MMs. Which specific MMs will be used in the TMDL processes and in which impaired water bodies?

California Environmental Protection Agency

If water quality impairments in a TMDL listed waterbody are attributed to NPSs of pollution, then applicable NPS MMs for the identified source(s) of NPS pollution will need to be included in the TMDL Implementation Plan. If a marina is located in an impaired water body that is targeted for TMDL development, and if the marina is considered a potential source of that pollution, then applicable Marina and Recreational Boating MMs and appropriate management practices would need to be included in the TMDL Implementation Plan. The specific MMs that would be used in the TMDL implementation process would be dependent upon the impairments and the NPS pollutant(s) contributing to the impairments.

3. Comment – Section V.B.III. Northern California Marine Association (NCMA) appreciates the comments concerning a marina and its relationship to the surrounding watershed and the fact that the watershed can serve as the source of pollutants that may enter the marina.

Comment accepted.

4. Comment – Section V.B.III.1 In this section, Oil Pollution Act (OPA) regulations are mentioned, but no mention is made of marine fuel dock inspections carried out by the Department of Fish and Game Office of Spill Prevention and Response (OSPR) office.

The following information will be added to Section V.B.III.1: The California Department of Fish and Game OSPR enforces the laws designed to prevent spills, dispatches units to respond to spills, and investigates spills. The OSPR maintains a 24-hour Communications Center headquarters in Sacramento. The Center has the responsibility of dispatching wardens to marine oil spills. Anyone seeing an oil spill or slick is required by law to report the sighting. Reports may be made by telephone to either the Governor's Office of Emergency Services at 1-800-OILS-911 or to OSPR at 1-888-334-2258.

In addition, to assist Small Craft Refueling Dock (a waterside operation, serving primarily small craft of less than 20 meters in length and less than five tons net weight) operators in their spill prevention and response efforts, OSPR conducts voluntary inspections to identify strengths and weaknesses in a system, and – when appropriate – show a dock operator ways to improve his/her ability to prevent and respond to spills. For more information on OSPR's outreach program go to <http://www.dfg.ca.gov/ospr>.

5. Comment - Section V.B.III. The objectives do not quantify or qualify the pollutants or the amount of pollution coming from marinas and recreational boating. The NCMA is concerned that the State will be engaged in standards development and enforcement before there is a concerted effort to determine what pollutants are present in the marina environment, where they are coming from, and the ambient pollution levels in the water body. What specific efforts will be carried out in these areas in this five-year period?

We acknowledge that it would be ideal to conduct baseline water quality assessments at marinas to define the extent of NPS pollution and the contribution attributable to the marinas and recreational boaters. Unfortunately, the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs) do not have the staff or financial resources to assess the more than 600 marinas located in California.

We are aware of several efforts to quantify pollutants coming from marinas and recreational boating activities. San Francisco Bay Conservation and Development Commission (SFBCDC), in coordination with the San Francisco Bay RWQCB (SFB-RWQCB), is in the process of designing and implementing a marina water quality sampling program for San Francisco Bay. Also, Waterkeepers Northern California has received grant funding from the SWRCB to conduct a Green Marinas Project. Waterkeepers will be coordinating with the SFBCDC, the SFB-RWQCB, and the California Coastal Commission. One of the goals of this project is to conduct ambient water quality monitoring to provide a broader assessment of pathogen problems by gathering baseline data and providing a relative assessment of pathogen sources. There are additional grant funded projects that could provide additional information about marina and boater pollution impacts, and more are expected in the future.

In addition, the San Diego RWQCB (San Diego-RWQCB), in response to their continuing water quality concerns in the harbors of the San Diego Region, is requesting the county, applicable cities, and port districts to propose and conduct a coordinated and comprehensive harbor water quality monitoring program for San Diego Bay, Mission Bay, Oceanside Harbor, Del Mar Boat Basin, and Dana Point Harbor.

More water quality assessments can be expected in impaired waters in response to the TMDL Program and preparation of TMDL Implementation Plans. Also, the SWRCB's NPS Program staff is coordinating with the Surface Water Ambient Monitoring Program (SWAMP) to enhance water quality monitoring in support of the California NPS Program. Lastly, the Santa Monica Bay Restoration Project, Morro Bay National Estuary Program, Association of Monterey Bay Area Governments (created to safeguard the water quality of Monterey Bay and its tributaries), and other regional efforts should provide additional information that can be useful in quantifying the amount of pollution coming from marinas and recreational boating activities.

6. Comments - Table V. Several items in this section do not seem to belong within the Marinas and Recreational Boating chapter, for example the Kelp Restoration Project and the cargo or cruise ship ballast water projects. There are multiple projects dealing with bacteria contamination as well as a SWRCB project to develop an indicator test. Are these efforts coordinated? Will these various projects be using the newly developed indicator test?

We agree that the Kelp Restoration Project does not belong in the Marinas Section. It will be moved to the "Other Land Use Category" Section. The cargo/cruise ship ballast water project does not belong within the Marinas and Recreational Boating chapter and has been removed from the Five-Year Plan.

All of the projects listed in the NPS Plan dealing with bacteria contamination are proposed by various RWQCBS, typically for TMDL planning and implementation. The rapid water quality analytical test for measurement of indicator bacteria for human pathogens is being developed for RWQCB use and for Public Owned Treatment Works and County Environmental Health Agencies. The primary purpose is to provide a quick turnaround for determining the necessity of beach closures. Therefore, although the test will be available for RWQCB use, the RWQCBs may not use it if a quick turnaround is not necessary.

7. Comment – Table V. The overwhelming consensus of the marina and boating representatives is the need for a statewide program to establish baseline conditions for pollutants within a marina. The Statewide Interagency Coordinating Committee (IACC) and the Marinas and Recreational Boating Workgroup need to address this issue and develop some standards for measuring pollutants in the water column and sediments at marinas so that the data collected can be compared with that collected at other marinas and in open waters.

Additional objectives have been added to the Five-Year Implementation Plan, including an objective to "continue to assess waterbodies, identify sources of NPS impacts from recreational boaters and marinas and increase inspections."

The primary purpose of the Five-Year Plan, the IACC, and the Marinas and Recreational Boating Workgroup is to coordinate efforts, share information, and encourage consistency in statewide NPS efforts. The SFBCDC provides regular updates to the Marinas and Recreational Boating Workgroup on their project, plus members of the State Workgroup participate on the SFBCDC's Marina and Recreational Boating NPS Taskforce. It is expected that the information compiled from SFBCDC marina's project will be useful for other agencies and RWQCBs in designing monitoring programs for marinas. It is important to note that this work is and will continue to be contingent upon available funding which requires State agencies to prioritize their resources. This may not be the highest priority for state agencies that are facing staffing and funding reductions.

Another option for establishing baseline conditions within marinas is to consider the direction taken by the SD-RWQCB. In response to continuing water quality concerns in the harbors of the San Diego Region, the RWQCB is requesting Orange County, the cities of San Diego and Oceanside, San Diego Unified Port District, and U.S. Marine Corps to propose and conduct a coordinated regional harbor monitoring program for San Diego Bay, Mission Bay, Oceanside Harbor, Del Mar Boat Basin and Dana Point Harbor. The actual sampling,

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analysis, and reporting efforts will eventually track fishability and swimmability of harbor waters and measure trends in protection of beneficial uses. Participants are expected to include industrial, storm water, and boating interests. A similar regional monitoring effort is underway in San Francisco Bay under a program administered by the San Francisco Estuary Institute.

Also, SWRCB's NPS Program staff are coordinating with the SWAMP to enhance water quality monitoring in support of the California NPS Program.

8. Comment - Table V. Concerned about apparent duplication among projects and with existing programs. Also concerned that several organizations receiving grants are not very knowledgeable about marina operation or recreational boating. Urges the IACC and the Marinas and Recreational Boating Workgroup to seek the guidance of industry and boating stakeholders in the grant selection process.

The California Environmental Protection Agency and the California Resources Agency have been in the process of developing a Watershed Management Strategic Plan (WMSP), pursuant to recommendations in a "Report to the Legislature As Required By Assembly Bill 2117". A key initiative in the WMSP is directed at the appropriate improvement and coordination of funding activities.

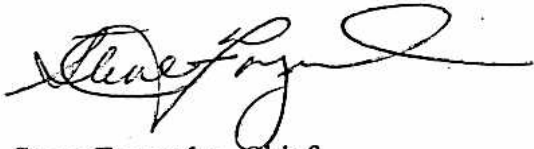
A recent Memorandum of Understanding (MOU) between these same agencies has been signed in order to improve integration and coordination of watershed policies, funding, and program implementation. Another product of the MOU is the California Watershed Council (CWC) which will serve in an advisory capacity to the WMSP Steering Committee. The first meeting of the CWC was held on August 28, and the interest among the attendees for improving bond-funded allocations was tremendous. This is becoming a valuable process and your input in the CWC is highly recommended. If you have any further questions about the WMSP or the CWC, please contact SWRCB Watershed Management Coordinator, Ken Coulter, at P. O. Box 100 Sacramento, CA 95812-0100 or coulk@swrcb.ca.gov. His telephone number is (916) 341-5486.

We appreciate the efforts of NCMA members in providing education and outreach to their marina owners and operators and to the boating public. The NCMA members play an important role in California in reducing pollutant released by marinas and recreational boaters.

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If you have any further questions regarding the NPS Program Five-Year Implementation Plan, please do not hesitate to contact me at (916) 341-5487 or Diane Edwards of the NPS Program Plan Implementation Unit at (916) 341-5908.

Sincerely,



Steve Fagundes, Chief
NPS Program Plan Implementation Unit

cc: Mr. Jack Gregg
California Coastal Commission
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45 Fremont Street
San Francisco, CA 94105-2219

Ms. Lisa Sniderman
San Francisco Bay Conservation and
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Ms. Dale Hopkins
California Regional Water Quality
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Region
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Mr. Bruce Posthumous
California Regional Water Quality
Control Board, San Diego Region
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California Forestry Association

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August 29, 2003

VIA EMAIL AND FIRST-CLASS MAIL

Mr. Steve Fagundes, Chief
NPS Program Implementation Unit
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Re: Comments of the California Forestry Association on Draft Nonpoint
Source Five-Year Implementation Plan

Dear Mr. Fagundes:

We are submitting comments on the above-referenced document on behalf of the California Forestry Association (CFA). CFA strongly supports California's *Plan for California's Nonpoint Source Pollution Control Program* and the Fifteen-Year Program Strategy. In particular, CFA supports the Plan's emphasis on the development and implementation of Best Management Practices ("BMPs") as the principal means of addressing nonpoint sources of pollution associated with forestry operations, as well as the Plan's focus on developing programs to monitor the implementation and effectiveness of BMPs.

The central element of the Non-Point Source Plan is the "Three-tiered approach" to addressing nonpoint sources of pollution. Forestry BMPs are implemented and monitored through conditional waivers of waste discharge requirements and a Management Agency Agreement ("MAA"), which designated the Board of Forestry and Fire Protection and the Department of Forestry and Fire Protection as management agencies. Both conditional waivers of waste discharge requirements and MAAs with State agencies that have authority to develop and require implementation of BMPs are recognized as important tools in carrying Tier 2 of the Three-tiered approach, "Regulatory Based Encouragement of Management Practices."

CFA generally supports the Forestry Category Objectives summarized in the draft five-year plan, with the following comments:

Objective a) is to reduce interagency conflict and describes the development of a Monitoring Agreement MOU. We suggest that the final document acknowledge that a final MOU has been developed and executed in the past few months. That MOU has a series of dispute resolution provisions that should work to address and resolve differences among the Regional Board and

Department of Forestry staffs in the review of Timber Harvesting Plans. This MOU demonstrates that the nonpoint source program for forestry is dynamic and is readily adaptable to address issues that arise.

With regard to cumulative watershed effects, CFA supports the objective of improving upon the current process that is incorporated in the California Forest Practice Rules. We note that the program implements the requirements of the California Environmental Quality Act ("CEQA") as it defines and addresses cumulative effects. CFA believes that many existing conditions on the landscape are associated with legacy conditions that resulted from silvicultural and road building practices that have been replaced by BMPs incorporated into the Forest Practice Rules. The effects on water quality associated with these legacy conditions is a large factor in the Clean Water Act Section 303(d) Total Maximum Daily Load process—both as to the listing of water bodies as water quality impaired and the development and implementation of TMDLs themselves. We request that the discussion of means to evaluate what the draft five-year plan refers to as cumulative watershed effects acknowledge the challenge in the forestry context of addressing both CEQA cumulative effects as specifically required under CEQA and cumulative watershed effects as they are understood outside the CEQA context and from the perspective of legacy conditions.

Closely related is the issue of monitoring. We suggest that the Forestry Category Objectives include a restatement of one of the major purposes of monitoring in the nonpoint source pollution area: to ensure implementation and effectiveness of BMPs. CFA fully supports long-term trend and cumulative effects monitoring to evaluate the effectiveness of our forest practice rules and the Timber Harvesting Plan review process as BMPs. CFA seeks greater support for and the expansion of the Monitoring Study Group and its hillslope and instream monitoring strategy. CFA believes full implementation of this strategy is critical to having a science based adaptive process for protection of water quality and its beneficial uses. CFA requests that the Summary of Forestry Category Objectives acknowledge the role of the Monitoring Study Group, of which the State Water Board and the North Coast Regional Boards are members, and list the MSG as one means of implementing the listed objectives.

CFA believes it is important to recognize that the primary NPS pollution from silvicultural activities is sediment; geologists have estimated that the coast range would be tens of thousands of feet higher in elevation from plate tectonics if not for erosion/sedimentation. Of course, erosion and resulting sedimentation occur naturally, and sediment is always present in streams. Sediment provides both a necessary benefit (e.g. spawning gravel recruitment for anadromous fish) and a potential negative impact depending on the amount of sediment contributed and where in the stream it resides. The critical issue for NPS pollution objectives is to control amounts of human-caused sediment contributed to a stream that are outside the range of natural variability.

We appreciate the opportunity to comment on this important issue.

Sincerely,

David Bischel

David A. Bischel
President



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Quality

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Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

807 30 2003

Mr. David Bischel, President
California Forestry Association
1215 K Street, Suite 1830
Sacramento, CA 95814

Dear Mr. Bischel:

CALIFORNIA FORESTRY ASSOCIATION COMMENTS ON DRAFT NONPOINT SOURCE FIVE-YEAR IMPLEMENTATION PLAN

Thank you for taking the time to review and provide comment to the Draft Nonpoint Source (NPS) Five-Year Implementation Plan (Draft Five-Year Plan). It is of great value that your organization follows the progress of California's efforts on the NPS Program, and it is through your communications and others like yours, that a statewide understanding of the importance of NPS Program implementation can occur.

With this response, we would like to address the concerns expressed in your letter and hope this will further enhance your understanding of the NPS Program limitations and capabilities, as well as encourage your continued support.

Your letter suggests that the final Five-Year Implementation Plan should acknowledge that a final Memorandum of Understanding (MOU) between the Board of Forestry, the State Water Resources Control Board, and the Regional Water Quality Control Boards (RWQCBs) was developed and executed recently. You are correct that the signed MOU has a series of dispute resolution provisions that will help resolve differences between the RWQCBs and California Department of Forestry staffs in the review of Timber Harvest Plans. This acknowledgment will be added to the final Five-Year Implementation Plan.

There was also a reference to the problems that are posed by differences in interpretation of the concept of cumulative watershed effects. This is a matter that fits with the objective (b) for the Forestry NPS Category, which is to 'Develop or improve upon an effective, reliable, accepted approach for directly evaluating Cumulative Watershed Effects for Forest Management activities'. We appreciate your viewpoint on what this approach should be.

We agree that legacy problems are often major contributors to cumulative effects. We also acknowledge the need for more clarity regarding differences between "cumulative watershed

California Environmental Protection Agency



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effects" as they are dealt with under the California Environmental Quality Act (CEQA), the Clean Water Act (CWA), and the State and federal Endangered Species Acts (ESAs). Under CEQA the watershed is seen from the limited perspective of each individual project and the public trust resources management goal is simply to avoid making things worse, if that is feasible. Under the CWA section 303(d) and the ESAs, a watershed is viewed independently of any project and the public trust resource management goal is to protect a resource where it is threatened and to help it recover where it is impaired or endangered. Confusion is compounded by the fact that CWA section 303(d) is primarily concerned with managing individual pollutants which can affect a multitude of species/beneficial uses of water, while the ESAs are primarily concerned with managing individual species which can be affected by a multitude of pollutants. As has been done in other western states, we hope to better integrate the various goals, perspectives, and approaches to minimize unnecessary regulatory confusion and duplication. An interagency group is currently considering both short-term and long-term approaches to improving evaluation and mitigation of cumulative effects.

We agree that the importance of monitoring is also critical to ensure implementation and to evaluate effectiveness of forestry management measures and management practices. The Five-Year Plan has many listed activities that will address monitoring, listed both in Section I, as well as in Section II (Forestry Category). An interagency group is currently considering how to ensure that appropriate monitoring is conducted and how to best integrate monitoring programs and results of the agencies and the private sector.

Thank you again for your thoughtful suggestions and comments to the Draft Five-Year Plan. We hope that this letter confirms the fact that we understand your concerns, and feel that the topics will be addressed through the NPS Program implementation process. We further encourage you to continue your communications with our NPS Program staff and to continue to participate in water quality protection through appropriate administrative and legislative venues that will confirm the importance of an effective NPS Program in California.

If you have any questions, please do not hesitate to contact me at (916) 341-5487 or Margie Lopez Read of the NPS Program Plan Implementation Unit at (916) 341-5533.

Sincerely,



Steve Fagundes, Chief
NPS Program Plan Implementation Unit

OCT 30 2003

Mr. David Bischel

- 3 -

cc: Mr. Sam Ziegler
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Mr. Al Wanger
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August 29, 2003

Margie Lopez Read
State Water Resources Control Board
Water Quality Division
1001 I Sreet, 15th Floor
Sacramento, CA 95814

VIA EMAIL: readm@swrcb.ca.gov

Re: Comments on the "Draft California Nonpoint Source Program Five-Year Implementation Plan" (July 2003).

Dear Ms. Read:

Thank you for the opportunity to review and provide comments on California's Draft Nonpoint Source Five-Year Implementation Plan (NPSIP). As you know, we have closely followed the progress of California's efforts on the Nonpoint Source Pollution Control Program since 1994, and have great interest in its implementation. We appreciate the substantial amount of time and effort that you and your staff have put into the development of this plan.

Nonpoint source pollution has overtaken point source pollution as the single greatest threat to the quality of California's waters. According to EPA, 54 percent of California's polluted waterways are contaminated only by non-point sources, and another 45 percent are polluted by a combination of point and nonpoint sources.¹ Consequently, it is critically important that California develop a plan that, when implemented, will be effective in "reduc[ing], to the maximum extent practicable, the level of pollution resulting from [each category and subcategory of nonpoint sources]."²

We are concerned that the NPSIP is not a plan that is capable of meeting these objectives. In fact, the NPSIP is really more of a "catalogue" than a "plan" at all. A plan is "a carefully arranged and systematic program of action for attaining some object."³ Accordingly, a plan has concrete objectives. A plan has a schedule for meeting its objectives. A plan sets forth actions that are clearly designed for the attainment of those objectives, rather than actions that might (as a side-effect) produce some movement toward them.

The NPSIP, which should be designed to meet both CWA Section 319⁴ and CZARA Section 6217(g)⁵ mandates,⁶ does not exhibit any of these characteristics. The

¹ Joint EPA and DOJ Press Release, Federal Court Issues Landmark Clean Water Decision (April 5, 2000), available at <http://www.epa.gov/owow/tmdl/pronsdecision.html>.

² 33 U.S.C. § 1329(a)(1)(C).

³ Webster's New Universal Unabridged Dictionary, Deluxe Second Edition (1972).

⁴ 33 U.S.C. § 1329.

NPSIP lacks concrete objectives, lacks a clear schedule for implementation, lacks milestones by which to track implementation, and fails to demonstrate how the actions undertaken will result in achievement of plan objectives. **These omissions are particularly egregious in light of the opportunities currently provided by the bond measures and nascent efforts to improve programs to control polluted runoff from agriculture and silviculture operations.** We request that the state revise the NPSIP to address these concerns, along with several miscellaneous concerns, all of which are described in more detail below.

California's Plan Lacks Concrete Objectives

As noted above, California's plan is intended to meet both CWA and CZARA requirements. CWA Section 319 is clear about the goals of a nonpoint source management program: such a program will "control[] pollution added from nonpoint sources to the navigable waters of the state,"⁷ and "provide for utilization of best management practices at the earliest possible date."⁸ CZARA, similarly, is clear about the goals of a nonpoint source management program: such a program must be designed to "achieve and maintain applicable water quality standards under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) and protect designated uses."⁹ Even EPA's "Nine Key Elements of an Effective State Program" are clear: such a program must be "designed to achieve and maintain beneficial uses of water."¹⁰ In sum, the program's goals should be to control nonpoint source pollution through best management practices in order to meet water quality standards and beneficial uses.

In contrast, the stated goals of the NPSIP are to:

1. Promote the implementation of management measures and related practices by all levels of water quality managers (federal, State, watershed groups and other stakeholders);
2. Preserve water quality in water bodies that are currently meeting California water quality standards and protect them from future degradation from the impacts of nonpoint source pollution;
3. Promote the implementation of management measures and use of management practices for the NPS component of TMDLs or in 303(d) listed water bodies;
4. Promote better leverage of inter-agency and private entity resources for NPS programs.

⁵ 16 U.S.C. § 1455b(g).

⁶ NOAA/EPA, Decisions on Conditions of Approval – California Coastal Nonpoint Program (July 2000), available at http://coastalmanagement.noaa.gov/pdf/6217ca_fnl.pdf.

⁷ 33 U.S.C. § 1329(b)(1).

⁸ *Id.* at § 1329(b)(2)(D).

⁹ 16 U.S.C. § 1455b(b)(3).

¹⁰ United States Environmental Protection Agency, "Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years" (May 1996), available at <http://www.epa.gov/OWOW/NPS/guide.html>.

This is a classic example of failing to see the forest for the trees. First, the promotion of management measures – a central element of two of the listed objectives – is a tool or a means, rather than a goal. In order to be effective, the plan needs to ensure that its statement of objectives conforms to the simple and intuitive goals set forth in the program guidance: **to implement best management practices in order to achieve water quality standards**. This goal must be the driving force behind the NPSIP.

California's Schedule for Implementation Is Vague and Lacks Reasonable Milestones

The NOAA/EPA joint “Coastal Nonpoint Program Development and Approval Guidance” requires that the State program “[i]nclude a schedule for each nonpoint source category or subcategory with milestones for achieving full implementation of the management measures within three years . . .”¹¹ Furthermore, the guidance provides that “[t]he state coastal nonpoint program should include milestones established at appropriate intervals within the . . . implementation period, by which progress toward full implementation can be assessed . . .”¹² Finally, the California Legislature has repeatedly demanded that the state prepare detailed objectives and milestones for this program.¹³ These requirements reflect the fact that a plan to ensure implementation of the management measures would be deficient without clear timetables for completion of activities.

The plan's conception of what constitutes a “schedule” and “milestones” is sweeping to the point of being essentially unusable for purposes of ensuring plan implementation and allowing for enforcement. A majority of the activities listed in the document are associated with schedules that span the entire life of the five-year plan. While it is conceivable that some of these activities are ongoing and will occur throughout the life of the plan (*e.g.* training activities), other activities can and should be completed in a more discrete period, and the plan should include milestones for determining progress toward the objective of the activity (*e.g.* NPDES Stormwater Program Efforts).¹⁴ Moreover, numerous activities appear to be scheduled to terminate before they begin; 18 activities listed in the document have start dates that are later than their end dates.

In addition, it is virtually impossible to determine the stage of implementation for each activity. According to the California's original Nonpoint Source Control Program Strategy and Implementation Plan:

Seven process elements are prescribed for each of the management measure categories. They are to: (1) assess problems; (2) target resources; (3) plan activities; (4) coordinate with agencies and the public; (5) implement management

¹¹ National Oceanic and Atmospheric Administration and Environmental Protection Agency, “Coastal Nonpoint Program Development and Approval Guidance” (January 1993) (hereinafter NOAA/EPA Guidance), at 17.

¹² *Id.* at 36.

¹³ SB 499 (1997) and SB 1453 (1998) (Alpert).

¹⁴ Draft Nonpoint Source Five-Year Implementation Plan, 2003-2008 (July 2003) (hereinafter NPSIP), Urban Category, at 43.

measures; (6) track and monitor actions; and (7) report on the effectiveness of the Program Plan. These steps are essential to ensuring effective and efficient implementation of the management measures which will enable the Strategy to achieve the defined goals of preventing and controlling NPS pollution.

The NPSIP inexplicably condenses these “essential steps” into two general designations – “pre-implementation” and “implement” – for the purposes of this report. The seven process elements, if employed, would serve as natural milestones toward completion of a management activity. Planning and scheduling based on these elements would help to narrow the scope of activities that are often impossibly broad. By disposing of these process elements, the state not only obfuscates any review of its progress by the public, but also complicates its own planning efforts by failing to divide activities into manageable components.

It Is Unclear How the Management Activities Listed in California’s Plan Will Result in Implementation of Management Measures

The various federal guidance documents give states a great deal of latitude in selecting management activities that will implement the management measures. However, explicit in this grant of discretion is the requirement that the activities “will achieve the level of control specified in the management measure.”¹⁵ According to the NOAA/EPA guidance, the states are required to provide a great deal of detailed information in order to demonstrate how the activities listed will result in achievement of the management measures, including the mandate that the states: “[i]dentify enforceable policies and mechanisms to ensure that each management measure identified in the coastal nonpoint program is implemented in accordance with . . . this guidance.”

The NPSIP contains approximately 183 pages worth of management activities, arranged by management measure within each land use category. However, very few management activities appear to be designed specifically to promote the goals of any management measure, leaving the reader to speculate as to how the activity might do so. In addition, no management activity contains a description of how it might result in the implementation of the management measure it is associated with.

We believe that it is inappropriate for the state to rely entirely – or even largely – on pre-existing management practices to implement the management measures and the goals of this program. The NPSIP is largely a catalogue of pre-existing nonpoint source pollution and stormwater control programs. If existing activities were adequate to control nonpoint source pollution, there would be no need for the NPSIP. The evidence contained in California’s section 303(d) list – containing scores of water bodies impaired by nonpoint source pollution – amply demonstrates this need. The state’s plan should include new and creative strategies for solving this persistent problem and should be linked directly to nascent efforts to control polluted runoff in the wake of SB 390 (Alpert, 1999).

¹⁵ Environmental Protection Agency, Management Measures Guidance – Fact Sheets, *available at* <http://www.epa.gov/owow/nps/mmgi>.

In particular, the state should take this opportunity to abandon pre-existing failed programs – like ineffective waivers of waste discharge requirements for agriculture and timber – that inhibit implementation of the goals of this program, and instead describe how agriculture and timber management measures in the NPSIP will be implemented under new regulatory regimes being examined. According to the Nine Key Elements, the state must “manage[] and implement[] its nonpoint source program efficiently and effectively. . . solv[ing] its water quality problems as effectively and expeditiously as possible.”¹⁶ Thus, the state should reject approaches that, in fact, contribute to the need for additional measures to reduce nonpoint source pollution, such as the waivers of waste discharge requirements for agriculture and timber adopted by the regional boards to date. Although the state has a great deal of flexibility in choosing how to implement management measures, it may not adopt management activities that will exacerbate the problem. Rather, the state should promptly undertake to develop waste discharge requirements as appropriate for these categories, and to carefully tailor any use of waivers to ensure that they will effectively and expeditiously improve water quality in water bodies affected by nonpoint source pollution.

Whether the state uses existing programs or new programs designed to implement management measures, it must nevertheless “describe the process by which it will ensure the implementation of the management measures.”¹⁷ California’s document provides not the slightest hint of a description this process. The state has produced a rather thick and impenetrable list of management activities, and left the reader – and thus the reviewing agency – to guess what these activities are proposed to accomplish. The NPSIP should be revised to provide detailed descriptions of how each management activity will contribute to the implementation of a management measure, and should include a detailed discussion of how it plans to use waste discharge requirements – and, as appropriate, waivers – to implement management measures and achieve the ultimate goal of clean water.

Lastly, the NPSIP was not created out of whole cloth. In evaluating the usefulness of proposed management activities, it is essential to assess the successes and shortcomings of the first Five-Year Implementation Plan (1998-2003) – both overall and with respect to each management measure. How many management measures and management practices were implemented through that plan? What were the effects on water quality? How has the success or failure of particular management activities shaped the current plan? Because it does not address these questions, the NPSIP appears to be wholly disconnected from any previous efforts in that. The document should be revised to report on the outcome of the first Five-Year Implementation Plan, both generally and with reference to specific management measures and activities.

¹⁶ See *supra* note 8.

¹⁷ NOAA/EPA Guidance at 11.

Miscellaneous Concerns

- The plan released for public review does not contain any information on how agriculture management measures will be implemented. It repeatedly refers to Table IIB (which purports to contain agriculture-related management activities), but there is no Table IIB in the document. A complete description of how the agriculture management measures will be implemented must be included in the NPSIP. This description must of necessity include a discussion of how new agriculture waste discharge requirements and waivers will ensure implementation of the management measures.
- The NPSIP does not include provisions for implementation of the Wetlands Forest Management management measure, within the Forestry category. “[S]tate management measures [must be] in conformity with those measures specified in the (g) guidance. A state management measure is ‘in conformity with’ those specified in the (g) guidance if it is identical to, or is demonstrated to be as effective as, the (g) guidance measures.”¹⁸ The NPSIP does not provide any explanation for the omission of this management measure except to state that “many of the activities consist of an overall planning and implementation effort intended to address ‘All’ of the Forestry management measures, including Wetlands Forest Management.”¹⁹ There has been no demonstration that these activities will implement the Wetlands Forest Management management measure, nor that they will provide for the implementation of a management measure that is as effective as the Wetlands Forest Management management measure. We therefore request that the state develop plans to implement the Wetlands Forest Management management measure.
- The Streamside Management Areas management measure, also within the Forestry Category, is also not implemented by any of the activities set forth in the document. “This management measure establishes areas along surface waters that are managed to protect the water quality of the adjacent water body.”²⁰ The document describes five activities that it says will “advance” this management measure, but none of them actually establishes or provides a procedure for the establishment of a SMA.
- Both CZARA Section 6217²¹ and the Nine Key Elements require the state to improve agency coordination. Clear agency commitments are required where the program identifies certain agencies as having authority over a management measure or activity. The document lists “Interagency Coordination” as a management activity in the All or Multiple Land Use Categories section, with a schedule for completion of 7/1/02 to 1/10/03. It is unclear, however, whether signed MOUs or Interagency Agreements have, in fact, been obtained in accordance with this schedule or whether a specific staffer has been assigned to coordinate agencies on NPS issues. As these are the explicit success criteria for

¹⁸ NOAA/EPA Guidance at 12-13.

¹⁹ NSIP at III (Forestry Category).

²⁰ Environmental Protection Agency, Management Measures Guidance – Forestry Fact Sheet, *available at* <http://www.epa.gov/owow/nps/mmgi>.

²¹ 16 U.S.C. § 1455b(b)(6).

this management activity, the document should provide a status report. In any event, the document should discuss in detail the level of commitment of the various identified agencies to the program and the authorities that they might use to implement specified management measures.

- Finally, **the NPSIP makes no reference to how the state intends to use the substantial funds available through Propositions 40 and 50 to implement management measures or undertake specific management activities.** These bond measures demonstrate the public's strong desire for progress toward the goal of clean water in California. The public has a right to a plan that deliberates the effective use of these funds and to a process for accounting for how – and to what effect – this money is used.

* * * * *

The State Board has a unique opportunity to develop a five-year implementation plan that will provide real direction for statewide efforts to address nonpoint source pollution. We believe the suggestions provided herein will help the Board seize this opportunity, and can be integrated into the document with a reasonable amount of time and effort.

Thank you for your careful consideration of these comments. If you have any questions, please do not hesitate to call.

Sincerely,

Linda Sheehan
Director, Pacific Regional Office
The Ocean Conservancy

Bill Jennings
DeltaKeeper
WaterKeepers Northern California

Zeke Grader
Executive Director
Pacific Coast Federation of
Fishermen's Associations

Barbara Vlamis
Executive Director
Butte Environmental Council

Alan Levine
Executive Director
Coast Action Group

Bruce Reznik
Executive Director
San Diego BayKeeper

Sujatha Jahagirdar
Clean Water Advocate
Environment California

Susan Jordan
Director of Gov't Affairs
California CoastKeeper

cc: Alexis Strauss, U.S. EPA Region IX
Arthur Baggett, Jr., SWRCB
Celeste Cantu, SWRCB



Winston H. Hickox
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Gray Davis
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OCT 30 2003
The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

Ms. Linda Sheehan, Director
Pacific Regional Office
The Ocean Conservancy
116 New Montgomery Street
San Francisco, CA 94105

Dear Ms. Sheehan:

OCEAN CONSERVANCY COMMENTS ON THE "DRAFT CALIFORNIA NONPOINT SOURCE PROGRAM FIVE-YEAR IMPLEMENTATION PLAN", JULY 2003

Thank you for taking the time to review and provide comment to the Draft Nonpoint Source (NPS) Five-Year Implementation Plan (Draft Five-Year Plan). We appreciate your organization's involvement and support of California's efforts on the NPS Program. It is through your communications and others like yours, that a statewide understanding of the importance of NPS Program implementation can occur.

Your letter expressed the necessity for the development of a 'plan', which will include 'concrete objectives', 'a schedule for meeting its objectives', and 'actions that are designed for the attainment of those objectives.' Your comment indicates that the format of the Draft Five-Year Plan did not sufficiently identify where these elements are currently included.

In fact, the Draft Five-Year Plan focused on meeting the scheduled goals of the NPS Program, on the development of plan objectives, and on describing actions for the attainment of those objectives utilizing a collaborative effort, with interagency input from 28 State departments, boards, and commissions. It is important to note that the NPS Program was designed to utilize the varied and independent authorities of the individual State agencies to address NPS pollution. As such, our planning effort was directed towards the most effective use of these available authorities, tools, and resources to address NPS pollution in a comprehensive and coordinated fashion.

As a result of your correspondence, some changes were made to the Draft Five-Year Plan. The discussion below is intended to clarify the intent of the Draft Five-Year Plan and identify the modifications that were made to address your concerns.

1. "The NPSIP is really more of a 'catalogue' than a 'plan' at all." and "California's Plan lacks concrete objectives."

The Draft Five-Year Plan tables do intentionally serve a 'catalogue' function, identifying actions that will be taking place over the next five years that have an impact on controlling

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NPS pollution. Although your letter indicates that you feel this is inappropriate, it was in fact, a deliberate effort geared toward defining the universe of NPS activities among the 28 State agencies that were involved in the Draft Five-Year Plan development. The tables are actually reports from a searchable, interactive database, which is an effective tool enabling multiple agencies to determine where collaboration and consolidation of their respective activities and initiatives are feasible. This tool is valuable for all of the NPS implementing agencies, particularly in this era of budget cutbacks and declining State funds and staff to implement their programs.

Your comment on page 3 of your letter critiques that "the promotion of MMs – a central element of two of the listed objectives – is a tool or a means, rather than a goal." This comment that the objectives are 'tools' is in fact correct, as our Draft Five-Year Plan includes objectives to meet the goals of the *Plan for California's NPS Pollution Control Program* (NPS Program Plan). The Draft Five-Year Plan objectives are intended to be guided 'tools' that will help meet the overall program goal of management measure (MM) implementation by 2013.

Based on your comment, we decided to reiterate the details of the NPS Program Plan goals in the Five-Year Plan. Therefore, the related excerpt from Volume I of the NPS Program Plan has been added to the Introductory Section B.1. of the Draft Five-Year Plan.

The specific objectives that are listed in the Draft Five-Year Plan for the period 2003-2008 will put the State in good standing with respect to the overall NPS Program goals. There are seven sets of objectives for the next five-year period with one set pertaining to the overall Draft Five-Year Plan, which you quoted in your letter. Additionally, there is a set of specific objectives relating to each of the six NPS land use categories (Agriculture, Forestry, Urban, Marinas, Hydromodification, and Wetlands).

Based on your comments, we have revised the Draft Five-Year Plan by adding Appendix III which more clearly describes the intent of the objectives and provides examples of the type of activities included in the Five-Year Plan designed to achieve the objectives.

It is important to note that the tables provided in the Draft Five-Year Plan are merely a summary report which lists some of the information within the newly developed database for the NPS Program. This database was designed for the express purpose of including more comprehensive, searchable information for each MM, including NPS related activities, affected watersheds, partner agencies, pollutants of concern, deliverables, schedules, and funding sources (if they are known). This quantity of information is burdensome to provide in its entirety in one report to the general public. Now that the database will be available to them, State agencies can more quickly compare and coordinate activities, and evaluate collaborative opportunities to more efficiently utilize resources to achieve water quality protection objectives.

2. "California's schedule for implementation is vague and lacks reasonable milestones."

The Draft Five-Year Plan contains many schedules for implementation, embedded at all levels from NPS Program Plan to individual activity schedules. As discussed in the Final Five Year Plan Introduction, the primary scheduled goal is for full implementation of the 61 MMs identified in the NPS Program Plan by the year 2013. For the period between July 2003 and June 2008, the State will report, through the biennial progress reports of 2005 and 2007, it's progress in achieving the Five -Year Plan objectives, which are the tools for meeting the NPS Program Plan goals. Additionally, each of the activities that are listed in the plan has it's own schedule for completion. For the first time, the State will be able to utilize it's NPS database to develop information for the biennial progress reports on the status of meeting those multiple schedules and multiple deliverables.

We agree that the Five-Year Implementation Plan should have "detailed objectives and milestones" concerning both the implementation of MMs and the amelioration of impairments in water quality. In order to establish scientifically defensible and practical numerical goals for the NPS Program, the existing "universe" of water quality problems resulting from NPS and the current implementation of MMs/management practices (MPs) and resulting improvements in water quality must be determined. Once existing conditions are determined, watershed-specific NPs implementation programs need to be developed that establish specific goals and time schedules to implement MMs/MPs and document resulting improvements in water quality.

To this end, the NPS Program is in the process of developing strategies for NPS-related water quality monitoring and MM/MP implementation tracking. A key element in both of these strategies is the *Policy for Implementation and Enforcement of the NPS Pollution Control Program* (NPS Policy), which is scheduled to be released in early 2004. The NPS Policy is designed to establish the framework for NPS implementation programs that are sufficient to meet the Regional Water Quality Control Board's (RWQCBs) obligations to protect water quality. These implementation programs will require water quality monitoring and MM/MP implementation tracking. Used in coordination with other RWQCB efforts (e.g., total maximum daily load, waste discharge requirements [WDRs], and waivers of WDRs) reasonable numerical goals can be established and evaluated on a local, RWQCB, and statewide basis.

3. "The [Draft Five-year Plan] inexplicably condenses these [process elements] into two general designations – 'pre implementation' and 'implement'."

During the development of the current Five-Year Plan, we were faced with the choice of listing the same activity multiple times, under different, though related, process elements or consolidation of the process elements so that the number of times an activity was listed was reduced. We chose the latter.

Discussions with the various agencies, boards, and departments revealed that the process elements as defined were not useful when described as discrete elements since most planning efforts already incorporated more than one process element (assess problems, target resources, or plan activities) into a particular activity. We believe that it made sense to combine these 'pre-implementation' process elements and describe particular tasks related to these process elements in the activities themselves, rather than creating duplicative 'artificial activities' consisting of subtasks related only to the individual process elements. Additionally, for purposes of database development, usability, and tracking activity implementation, this approach significantly reduced redundancy and over-reporting of activities.

4. "It is unclear how the management activities listed in California's plan will result in Implementation of management measures"

The activities are listed in order of the land use category and MM to which they pertain, or for which they were specifically designed to address. We believe that the brief summaries provided by each agency which identify the specific activity, its objective, description, and success criteria, *do* express support of the specific MM, although some agencies were able to explain this more specifically than others.

Appendix II of the Five-Year Plan also provides more specific information regarding most MMs for the NPS Program, and this might help you further understand the relationship between activities and MMs.

Because there are more than 1000 listed activities, the level of detail for each description is limited by our necessity to provide a plan summary. Further expansion of each activity would create a Five-Year Plan document that would be unduly burdensome to review. We recommend that if you are interested in a particular land use category, MM, agency, or specific activity that you contact one of the following individuals, who can further help you with your questions:

Agriculture: Jessie Maxfield, SWRCB, 916-341-5484

Forestry: Margie Lopez Read, SWRCB, 916-341-5533

Urban: Derek Lee, California Coastal Commission (CCC), 415-904-5270 or
Margie Lopez Read, SWRCB

Marinas: Diane Edwards, SWRCB, 916-341-5908

Hydromodification: Diane Edwards, SWRCB

Wetlands: Derek Lee, CCC

Overall: Margie Lopez Read, SWRCB

5. **“Whether the state uses existing programs or new programs designed to implement management measures, it must nevertheless ‘describe the process by which it will ensure the implementation of the management measures.’”**

As discussed in the response to Comment 2, the State is developing the NPS Policy, the purpose for which is to describe the process that will ensure implementation of the MMs. Your letter points to the necessity of providing a description of the NPS Policy in the Five-Year Plan. This description has now been added to the final Five-Year Plan, in Section I, Introduction.

6. **“Lastly,..In evaluating the usefulness of proposed management activities, it is essential to assess the successes and shortcomings of the first Five-Year Plan (1998-2003) – both overall and with respect to each management measure.”**

Your comment here is absolutely correct, and we concur. In fact, the review of the progress of the first Five-Year Plan began in February 2002, for the specific purpose of assessing its successes and shortcomings and to develop the second Five-Year Plan. This review was conducted by the 28 different implementing State agencies, which were also involved in the preparation of the Draft Five-Year Plan. The progress review, otherwise known as the Biennial/Five-Year Progress Report (Progress Report), will be released approximately at the same time as the final Five-Year Plan is submitted to United States Environmental Protection Agency (U.S. EPA) and National Oceanic and Atmospheric Administration (NOAA).

7. **Miscellaneous Concerns**

Agriculture Category - Per your recommendation, a greater clarification of the relevance of the waste discharge requirements and waivers to ensure MM implementation in all categories, including Agriculture, has been added to the Introduction in the final Five-Year Plan (NPS Policy).

Wetlands Forestry Management - The Wetlands Forestry Management MM does not have specific activities that are listed under this MM, although as you have noted, there are multiple activities in the All Forestry MMs table that do address Wetlands Forestry Management which is in conformance with the NOAA/EPA (g) guidance.

Very few wetlands forests exist in California, and those that do are rarely available for logging. This particular MM is more pertinent to other States in the nation (e.g., Florida and Minnesota) that have an abundance of forests nested in wetlands. The wetland forests that do exist in California are generally State or federal parks, and commercial logging activities are banned in these areas. In addition, the State's Forest Practice Rules prohibit or minimize commercial timber operations (especially heavy equipment operations) in marshes, wet meadows, and other wet areas. For these reasons the listing of activities that apply to this MM are more general, and are listed in the “All Forestry MMs” section of the table.

Streamside Management Areas (SMA) for Forestry - There are a number of activities in the Draft Five-Year Plan that will address this particular Forestry MM – the five activities that you mention in your letter, as well as the activities that address All Forestry MMs. Your letter expresses a particular concern that the activities in the Five-Year Plan do not “establish or provide a procedure for the establishment of a SMA”. This procedure is set forth in detail in the State’s Forest Practice Rules, referred to as a Watercourse and Lake Protection Zone. How well this is accomplished with respect to water quality is a topic for discussion in the Progress Report.

Interagency Coordination – There is no question that improvements in interagency coordination for NPS implementation are valuable and necessary to the program. This is an effort that is not without challenges, although it has been and will be taking place on many levels, including the development of Memorandums of Understanding (MOUs) and Management Agency Agreements, activity coordination both at the upper management level (eg: Watershed Management Strategic Planning) and the staff level program collaboration (eg: Interagency Coordinating Committee). Your concern here pertains more to issues that are being answered in the Progress Report, and a review of this document when it is released should help to answer some of your questions regarding interagency coordination.

‘Reference to how the State intends to use the substantial funds available through Propositions 40 and 50’ – There are a variety of changes that are being put into place with respect to distribution and management of grant and bond money funds, some of which are briefly listed below:

The California Environmental Protection Agencies (Cal/EPA) and the California Resources Agencies (Cal/RA) have been in the process of developing a Watershed Management Strategic Plan (WMSP), pursuant to recommendations in a Report to the Legislature, as required by Assembly Bill 2117. A key initiative in the WMSP is directed at the appropriate improvement and coordination of funding activities.

A recent MOU between these same agencies has been signed in order to improve integration and coordination of watershed policies, funding, and program implementation. Another product of the MOU is the California Watershed Council (CWC) which will serve in an advisory capacity to the WMSP Steering Committee. The first meeting of the CWC was held on August 28, and the interest among the attendees of improving bond-funded allocations was tremendous. This is becoming a critically valuable process and your input in the CWC is highly recommended. If you have any further questions about the WMSP of the CWC, please contact Ken Coulter, the SWRCB Watershed Management Coordinator, at P. O. Box 100, Sacramento, CA 95812-0100 or (916) 341-5496.

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The utilization of the grant and bond funds include specific requirements for expenditures in the area of watershed management, where NPS issues predominate. There are literally millions of grant and bond fund dollars that are designated for use in this manner. The NPS Program facilitates the section by providing the framework for MM implementation from which project proponents can design their program. Additionally, there is a significant effort by the SWRCB Division of Financial Assistance to streamline and improve the consolidated RFP selection process for effective distribution of grant and bond fund monies so that the best, most cost-effective projects are selected.

Thank you again for your thoughtful suggestions and comments to the Draft Five-Year Plan. We hope that the clarifications in this letter, and changes made with the final Five-Year Plan will help address your concerns. We further encourage you to continue your communications with our NPS Program staff and to participate more fully in water quality protection through participation in the CWC and through other administrative and legislative avenues that will confirm the importance of an effective NPS Program in California.

If you have any questions, please do not hesitate to contact me at (916) 341-5487 or Margie Lopez Read of the NPS Program Plan Implementation Unit at (916) 341-5533

Sincerely;



Steve Fagundes, Chief
NPS Program Plan Implementation Unit

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United States Environmental Protection
Agency, Region IX
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cc: Continued next page

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August 28, 2003

NATURAL RESOURCES DEFENSE COUNCIL

Margie Lopez Read
State Water Resources Control Board
Water Quality Division
1001 I Sreet, 15th Floor
Sacramento, CA 95814

Re: Comments on the "Draft California Nonpoint Source Program Five-Year Implementation Plan" (July 2003).

Dear Ms. Read:

On behalf of the Natural Resources Defense Council and its 110,000 California members, I am writing to register our strong objections to the Draft California Nonpoint Source Program Five-Year Implementation Plan. This plan is weak, nonspecific, and provides little indication that it will make a significant (or any material) impact on the nonpoint source pollution problem in California. In fact, the "plan" has virtually none of the characteristics usually associated with such a term. Instead the plan appears to be a simple listing of any and all existing programs or efforts that could be characterized as nonpoint source-related.

For these reasons, and those contained in the Ocean Conservancy's comments (which are hereby incorporated by reference), we urge the State Board to fundamentally revise the plan to include a quantitative and qualitative assessment of progress to date; specific implementation commitments; additional management measures; and additional regulatory features.

When the State embarked on this process in 1998, many in the environmental community objected to the approach as insufficient to make a measurable impact on one of the State's most important pollution problems. Now, five years later, it appears that our concerns have been validated. It is time for the SWRCB to make good on its stated commitment to reducing nonpoint source pollution. This proposed plan offers little indication that it will come close to doing so.

Sincerely,

David Beckman
Senior Attorney



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

OCT 30 2003

Mr. David Beckman
Senior Attorney
Natural Resources Defense Council
6310 San Vicente Boulevard, Suite 250
Los Angeles, CA 90048

Dear Mr. Beckman:

NATURAL RESOURCES DEFENSE COUNCIL COMMENTS ON THE "DRAFT CALIFORNIA NONPOINT SOURCE PROGRAM FIVE-YEAR IMPLEMENTATION PLAN"

Thank you for taking the time to review and provide comments to the Draft Nonpoint Source (NPS) Five-Year Implementation Plan (Draft Five-Year Plan). It is of great value that your organization follows the progress of California's efforts on the NPS Program, and it is through your communications and others like yours, that a statewide understanding of the importance of NPS Program implementation can occur. This valuable communication process is supported by our presentation of the draft document and notifications of its availability for public review.

Because your letter references the Ocean Conservancy's comments, a copy of our response to their comments is enclosed with this letter. It is hoped that a review of our response letter to the Ocean Conservancy will be sufficient to address your concerns.

Thank you again for your thoughtful suggestions and comments to the Draft Five-Year Plan. We further encourage you to continue your communications with our NPS Program staff and to participate more fully in water quality protection through involvement in the California Watershed Council and by confirming the importance of NPS pollution prevention through other administrative avenues.

If you have any questions, please do not hesitate to contact me at (916) 341-5487, or Margie Lopez Read of the NPS Program Plan Implementation Unit at (916) 341-5533.

Sincerely,

Steve Fagundes, Chief
NPS Program Plan Program Implementation Unit

Enclosure (letter to Ocean Conservancy)

cc: See next page

Mr. David Beckman

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OCT 30 2003

cc: Continuation page

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August 28, 2003

Margie Lopez Read
State Water Resources Control Board
Water Quality Division
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Sacramento, CA 95814

Re: Comments on the Draft California Nonpoint Source Program Five-Year Implementation Plan.

Dear Ms. Read:

Thank you for the opportunity to comment on the Draft California Nonpoint Source Program Five-Year Implementation Plan (NPSIP). Heal the Bay has read and agrees with the comment letter from the Ocean Conservancy and we hereby incorporate their letter by reference.

Nonpoint source pollution and urban stormwater are the largest sources of pollution to California's receiving waters. Many of the state's impaired water bodies have degraded beneficial uses because of ongoing impacts of unregulated or poorly regulated non-point and stormwater sources. Among the problems caused by these sources are degraded salmonid habitats; eutrophication of creeks, lakes and lagoons; beaches that pose a substantial health risk to swimmers; and aquatic sediments, streams and lakes that pose toxicological threats to aquatic life. Heal the Bay firmly believes that the State has a legal responsibility to implement a comprehensive plan to control nonpoint source pollution that will result in the protection of California's aquatic ecosystems and the enhancement of the State's hundreds of impaired water bodies.

The voters of California have consistently supported water quality clean-up efforts with hundreds of millions of dollars in bond funds from numerous propositions, including Propositions 13, 40 and 50. The NPSIP provides no mechanism for accountability to these voters on the issue of nonpoint source pollution to our waterbodies. It is imperative that the NPSIP provide that accountability by clearly stating the specific, short- and long-term goals that will be achieved by implementing NPS pollution abatement funds, including timelines, milestones, and assessment measures for the funded clean up projects.

Heal the Bay is concerned that the NPSIP lacks the essential elements of an effective plan. For example, there are no clear objectives related to amelioration of nonpoint source pollution or improved water quality. There are no milestones provided to determine if the State is meeting objectives. There is no comprehensive assessment procedure to determine if, at the end of the five year period, the NPSIP has succeeded in controlling pollution from nonpoint sources to receiving waters in the state. These concerns are described in detail below.

The NPSIP Lacks Clear Objectives and Milestones

The 5-Year Plan Objectives (2003-2008) listed in the NPSIP focus on promoting implementation of Management Measures (MMs) and not on specific improvements to water quality. Only one of the four Objectives even refers to water quality, and then it states the goal of merely preserving water quality in waters that already meet water quality standards. There is no mention of improved water quality or amelioration of nonpoint source pollution in the 5-Year Plan Objectives. The following Objective should be added as number one in the list of Five-Year Plan Objectives: "Reduce nonpoint source pollution to impaired waterbodies in order to restore beneficial uses and to insure that water quality standards are met." As we have stated on numerous occasions previously, full implementation of the California NPS plan must result in the attainment of beneficial uses in all water bodies impaired by NPS pollution. Full implementation must also result in the attainment of water quality standards. Without such goals, the NPS plan will be seen as a failure by the public, and BMPs will not be designed to insure that water quality standards are met, and aquatic life and public health is protected, .

Management Measures are Treated as Objectives

Management measures are general goals, such as the urban pollution MMs 3.1A, "Runoff from Developing Areas – Watershed Protection" and 3.6, "Education/Outreach." Promoting watershed protection and education/outreach are good general goals but they will not in themselves lead to decreased NPS pollution to waterbodies. Furthermore they are not enforceable and they are difficult to evaluate objectively. To remedy this, there must be specific objectives within each MM that will contribute to the overall goal of the MM.

For example, within MM 3.1A, a specific objective that would lead to watershed protection in developing areas could be "Prevent channelization of natural waterbodies", and the activity that will accomplish this could be "Create legislation to make channelization of natural waterbodies for the purpose of new development illegal", with a timeline for when the bill will be introduced, etc. Another example of a specific objective for the same MM (3.1A) would be "Prevent nuisance flows to receiving waters" and an activity to implement this objective could be community outreach in the form of flyers, workshops and direct interaction with a minimum number of households in a specific watershed.

Activities are not Related to Pollution Reduction Goals

In Tables I through VIII the various activities that are supposed to implement the MMs are listed. There is no information that relates the specific activity to the MM that it supposedly implements, nor any information on how the activity will result in reduced nonpoint source pollution to a waterbody. Many of the TMDLs that are listed as activities do not even state what the TMDL will be for. The tables should have another column that explicitly states the pollutant that will be reduced and the goal of the reduction, e.g. for a sediment TMDL, the goal may be an 80% reduction in sediment inputs from nonpoint sources.



Progress and Success Criteria are Difficult to Evaluate

The use of two categories to describe the "Process Element" that each activity represents is confusing and does not allow any progress evaluation of that activity. "Pre-Implementation" covers the Process elements of "Assess", "Plan", "Coordinate" and "Target". By condensing all these elements into one category of "Pre-Implementation", the NPSIP removes our ability to determine progress for each activity and potential results (i.e. NPS pollution reduction) of each activity within the five year time frame. This is exacerbated by the lack of milestones or timelines for each activity, other than the final completion date (usually 2008).

The Process Element listed for each activity must be more specific, i.e. it should be one of the original six elements approved by the EPA in the original *Plan for California's Nonpoint Source Pollution Control Program (Program Plan)*.¹ Those six elements are (1) assess; (2) target; (3) plan; (4) coordinate; (5) implement; and (6) track and monitor.

The listed Success Criteria are also vague and difficult to evaluate. For example, "Exchange of information and technical assistance" is the success criterion for the activity "Facilitate meetings of Urban Pesticide Committee", and "Control of runoff" is the success criterion for an activity involving urban runoff from irrigation systems at Malibu Creek (the actual activity description is merely a description of how urban runoff affects Malibu Creek so we do not repeat it here). In some cases, the Activity Name, Activity Objective, Activity Description, and Success Criteria are all exactly the same, for example on p. 36 of Table I, there is an Activity called "Participate in watershed awareness activities". The Objective, Description and Success Criteria for this activity all say exactly the same thing. We have no way to know what the specific public awareness activities will be, what their goals are or how their success will be evaluated. In general, there is too little information in the project descriptions and in the Success Criteria to allow any evaluation of progress to be made in the activities during this five-year period, or of the eventual success of the activities when they are completed.

Many TMDL activities in Region 4 have a success criterion of "delisting from 303d list". This is an acceptable success criterion because it is measurable and because it indicates that a waterbody that was polluted by nonpoint source pollution has been cleaned up enough to be removed from the section 303(d) list.

Tracking and Monitoring

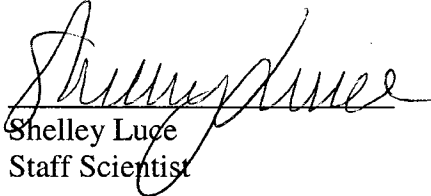
There are very few activities listed for the process element "Tracking and Monitoring." Further, there are no monitoring plans specified within activities, to determine BMP efficacy and improvements in receiving water quality and aquatic life and/or habitat. Monitoring of NPS sources and loads to waterbodies is important on a larger scale, to insure that NPS pollution does not continue to cause or contribute to exceedances of water quality standards. An enforcement program to insure compliance with NPS-related programs such as TMDLs is also necessary, in order to fully implement a comprehensive California NPS program.

¹ EPA's review and approval (January 2000) of the Program Plan is available at <http://www.epa.gov/region09/water/nonpoint/cal/upgradereview.html>.

In our comments on the Draft California Nonpoint Source Strategy and Implementation Plan of 1999,² Heal the Bay urged the State to take a more comprehensive and prescriptive approach to developing and implementing the Nonpoint Source Strategy and Implementation Plan. We were disappointed that the State ignored many of our comments at that time, especially regarding the need for specific water quality goals and water quality performance standards. Four years later, we are still frustrated by the State's continued refusal to include specific goals for nonpoint source pollution reduction. We believe that the serious water quality problems caused by nonpoint source pollution will not be cleaned up if the State relies on the vague and unenforceable goals presented in this NPSIP.

Please feel free to call us if you would like to discuss our comments.

Sincerely,


Shelley Luce
Staff Scientist


Mark Gold, D.Env.
Executive Director

² Letter from Heal the Bay to Walter Pettit of the State Water Resources Control Board, July 23, 1999.



Winston H. Hickox
Secretary for
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State Water Resources Control Board

Division of Water Quality

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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

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Ms. Shelley Luce, Staff Scientist
3220 Nebraska Avenue
Santa Monica, CA 90404

Mr. Mark Gold, Executive Director
3220 Nebraska Avenue
Santa Monica, CA 90404

Dear Ms. Luce and Mr. Gold:

HEAL THE BAY COMMENTS ON THE DRAFT CALIFORNIA NONPOINT SOURCE PROGRAM FIVE-YEAR IMPLEMENTATION PLAN

Thank you both for taking the time to review and provide comments to the Draft Nonpoint Source (NPS) Five-Year Implementation Plan (Draft Five-Year Plan). We appreciate that your organization follows the progress of California's efforts on the NPS Program, and it is through communications like yours that a statewide understanding of the importance of NPS Program implementation can occur.

We believe that most of your concerns were answered by the response sent to the Ocean Conservancy's comments, which you reference in your letter. However, two comments are provided below to adequately respond to additional concerns expressed in your letter.

The NPSIP Lacks Clear Objectives and Milestones

In addition to the comments provided by Ocean Conservancy, your letter indicated that a rewording of one of our Five-Year Plan objectives was in order. Therefore, the third objective listed in Section 1 has been changed from:

"Promote the implementation of MMs and use of MPs for the NPS component of TMDLs or in 303(d) listed water bodies"

to the following:

"Promote water quality improvements and the return of beneficial uses through the implementation of MMs and use of MPs for the NPS component of TMDLs or in 303(d) listed waterbodies."

It is hoped that the addition of this phrase will emphasize the importance of the connection to water quality and our NPS Management Measures (MMs) implementation goals.



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Management Measures are Treated as Objectives

We agree that the *Plan for California's Nonpoint Source Pollution Control Program* (NPS Program Plan) designated "management measures (MMs) as goals." In designating a MM as a goal, it was our intent to consider the entire MM. As such, we disagree with your statement that MMs "will not in themselves lead to decreased NPS pollution to water bodies." For example, a more extensive reading of MM 3.1A shows that the MM establishes general goals to:

1. Avoid conversion, to the extent practicable, of areas that are particularly susceptible to erosion and sediment loss;
2. Preserve areas that provide important water quality benefits and/or are necessary to maintain riparian and aquatic biota;
3. Protect to the extent practicable the natural integrity of water bodies and natural drainage systems associated with site development – including roads, highways, and bridges;
4. Limit increases of impervious surfaces; and
5. Provide education and outreach to address sources of NPS pollution.

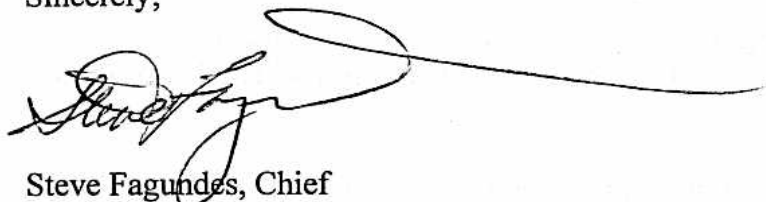
We feel that achieving these "general goals" will result in improved water quality.

As was emphasized in your letter, we agree that there must be specific objectives within each MM that will contribute to the overall goal of the MM. These specific objectives are contained within the "Activity Objective and Description" column for each "Activity Name." These activities and related objectives are then used to achieve the general goals provided by the MM.

Thank you both again for your thoughtful suggestions and comments to the Draft Five-Year Plan. We further encourage you to continue your communications with NPS Program staff and to participate more fully in water quality protection through involvement in the California Watershed Council and by confirming the importance of NPS pollution prevention through other administrative avenues.

If you have any questions, please do not hesitate to contact me at (916) 341-5487 or Margie Lopez-Read of the NPS Program Plan Implementation Unit at (916) 341-5533.

Sincerely;



Steve Fagundes, Chief
NPS Program Plan Implementation Unit

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August 28, 2003

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10011 "I" Street, 15th Floor
Sacramento, CA 95814

Dear Ms. Read:

**SUBJECT: "DRAFT CALIFORNIA NONPOINT SOURCE
PROGRAM FIVE-YEAR IMPLEMENTATION
PLAN" - CITY OF SEAL BEACH COMMENTS**

Our staff has reviewed the "Draft California Nonpoint Source Program Five-Year Implementation Plan" and is supportive of the overall program. It is an ambitious and comprehensive program, and our City will support the proposed program.

In reviewing this five-year implementation plan, the City has several concerns and issues that need to be reflected upon and considered by the State Board ("Board") as it continues to work with California cities and counties in planning, implementing, and enforcing clean water programs throughout the State.

OVERARCHING ISSUES:

The City of Seal Beach would set forth the following points as overarching issues and concerns for the Board to consider in its adoption of the "Draft California Nonpoint Source Program Five-Year Implementation Plan" and throughout the time frame for the implementation program established by its adoption:

- The State Water Resources Control Board, the California Environmental Protection Agency (Cal EPA), the California Coastal Commission, the California Department of Fish and Game, the League of California Cities Water Quality Regulatory Task Force, and other appropriate stakeholders, should establish a formal program of continuing dialogue during the term of this implementation program to meet and confer to discuss issues of concern, investigate positive solutions, and develop mechanisms to create partnerships between these parties and the local agencies that ultimately are the final enforcer's of the programs and

regulations that are adopted by the regional boards. Particular areas of initial focus of such an effort should be focused on:

- ❑ Future revisions to the Board's strategic plan to incorporate efficient groupings of TMDLs, Basin Plan amendments, water quality standard development, and beneficial use designations in order to achieve reasonable and cost effective permits and treatment plans.
- ❑ Investigate ways to utilize scarce financial resources in a way that will have the broadest and most significant beneficial water quality and environmental impacts.

SPECIFIC RECOMMENDATIONS:

The City has several specific recommendations that are requested to be given serious and thoughtful consideration by the Board during its adoption process. Those specific areas of concern are set forth below:

- ❑ **Permits/Permit Scope** - Inconsistencies in permit language and regional board and staff interpretations of permit language currently exist.
 - ❑ **Recommended Actions:**
 - ❑ Establish two working sub-committees with the parties of interest discussed above to review waste water permits and storm water permits for format, definition, and reporting consistency problems and make recommendations on appropriate follow-up action.
 - ❑ The Board to work with the parties of interest discussed above to suggest guidance and templates for format and definitions to resolve problems.
 - ❑ Work to resolve issues of split jurisdiction of regional boards within a particular community. Having two different sets of standards and regulations that are applicable to the same community is a tremendous burden to place on that local community, and its residents.
- ❑ **Economic Impacts of Permits** -This concern relates to whether, and if so, how, state requirements exceed requirements of the federal Clean Water Act and whether the additional cost is warranted for the benefits.
 - ❑ **Recommended Actions:**
 - ❑ Evaluate whether state requirements exceed federal Clean Water Act requirements and if so, assess if the additional cost is warranted by the benefits.
 - ❑ Consider implementation of a program to require the Board, and its regional boards, to consider cost and availability of funding analysis for requirements, including reporting, for implementation of individual NPDES permits. Require an analysis of the implementation costs and the incremental costs and benefits to water quality.
 - ❑ Establish a sub-committee to work with the parties of interest discussed above to evaluate the economic impacts and alternatives of regional

issues, such as EDW, the Tributary Rule, long term storage, and seasonal discharge prohibitions.

- ❑ **Storm Water BMP Testing and Monitoring** – Permittees should be assured that if they test the effectiveness of Best Management Practices (BMPs) that the results of that sampling and analysis will not be used as evidence of a violation of receiving water limitations.
- ❑ **Recommended Actions:**
 - ❑ Work with the parties of interest discussed above to encourage evaluation of new best management practices and new methodologies in a way that does not lead to violations of storm water permits.
 - ❑ Incorporate this type of protective language into storm water permits issued during the term of the current permits.
- ❑ **"Maximum Extent Practicable" Definition** – All parties could benefit from a standard definition of "maximum extent practicable". A starting point in this effort could be that proposed by SB 1342 (Morrow). Please refer to the discussion below regarding **Clearinghouse for Storm Water Best Management Practices** for further discussion on this issue.
- ❑ **Recommended Actions:**
 - ❑ Work with the parties of interest discussed above to explore the feasibility of developing a standard definition of "maximum extent practicable".
 - ❑ Coordinate this effort with the other state agencies such as the Coastal Commission and the Department of Fish and Game to ensure that all resource agencies and enforcement agencies that local jurisdictions have to deal with in this area are involved in the process.
- ❑ **Partnering with the Enforcement Agency** – A good working relationship between the regional boards and its permittee's is critical to overall permit development, implementation, and enforcement. These efforts require a partnership approach, not an adversarial approach.
- ❑ **Recommended Actions:**
 - ❑ Work with the parties of interest discussed above to develop programs and policies to work cooperatively to expedite updates of basin plans, including exploration of how to expedite the updating of beneficial uses and water quality objectives.
 - ❑ Explore with the parties of interest discussed above the feasibility of authorizing municipalities, COGs, regional planning agencies or JPAs to conduct the studies needed to establish beneficial uses and water quality objectives for their water bodies.
 - ❑ Coordinate this effort with the other state agencies such as the Coastal Commission and the Department of Fish and Game to ensure that all resource agencies and enforcement agencies that local jurisdictions have to deal with in this area are involved in the process.

- ❑ **Resource Agency and Cal-EPA Interdepartmental Protocols** –There needs to be a common understanding of requirements for water quality improvement projects by the departments within the Resources Agency and Cal-EPA, including the regional boards, the Coastal Commission and the Department of Fish and Game.
- ❑ **Recommended Actions:**
 - ❑ Work with the parties of interest discussed above to establish a process to regularly meet and confer (along with dischargers) in order to minimize conflicting permit requirements, duplication, and inconsistencies, and jurisdictional roles and responsibilities.
 - ❑ Consider implementation of a "lead agency" program to expedite NPDES permit processing, similar to what is available for certain types of construction, development, and hazardous waste clean up projects.
- ❑ **Water Quality Testing** – Surface and ocean water quality testing programs are under funded. More funding is needed to get more timely, accurate and appropriate test results that could help shorten beach closure periods. This issue is particularly relevant to our community, as Seal Beach receives all of the storm water flows from the San Gabriel River drainage area, one of the largest urban watersheds in southern California.
- ❑ **Recommended Actions:**
 - ❑ Work with the governor, legislature, and appropriate public interest groups to support and secure additional funding and protocols to get faster, more appropriate and accurate surface and ocean water quality testing.
 - ❑ Establish a working subcommittee to investigate appropriate changes in science and technology that allow for revaluation of the processes, protocols, and standards for the testing and evaluation of surface and ocean waters, and the protocols for posting, closure, and reopening of beaches.
- ❑ **Clearinghouse for Storm Water Best Management Practices** –There needs to be a state clearinghouse of Best Management Practices (BMPs). Such a clearinghouse would allow for consistent statewide consideration of effective BMPs, which is extremely difficult for local jurisdictions to research and understand in developing its program of the development and imposition of BMPs during project review and approval.

This issue is of particular concern given the responses of the Region 9 Board regarding the Orange County Drainage Area Management Plan (DAMP), Chapter 7 and Model Water Quality Management Plan, dated May 21, 2003. The comment from the Regional Board is disturbing and is quoted below:

"Sole reliance on the BMPs presented in the set of handbooks produced by CASA (California Association of Stormwater Agencies) will not meet the 'Maximum Extent Practicable' (MEP) benchmark

established by this Permit. First, the MEP criteria is the benchmark for municipal permittee's activities. The benchmark for private construction and industrial activities is best available technology, economically achievable (BAT) and best conventional pollutant control technology (BCT). As to BMP reference materials, other relevant data, documentation and BMPs must be considered. Finally the BMP handbooks produced by CASA have not been fully reviewed or approved by the State or Regional Boards and should be considered as a single element in a library of BMP design criteria, procedures, parameters and inspection/maintenance requirements." (Emphasis in original)

The breadth and scope of such a response is overwhelming to local jurisdictions. How are local enforcement agencies expected to develop and maintain a "library of BMP design criteria, procedures, parameters and inspection/maintenance requirements" that has been "been fully reviewed" and "approved by the State or Regional Boards"? This should be a board responsibility, not the individual responsibility of each governmental entity in the State of California. This issue also touches on the MEP discussion point above.

❑ **Recommended Actions:**

- ❑ That the State Board consider the establishment of a clearinghouse for BMPs in cooperation with the appropriate agencies and organizations.
 - ❑ Such effort should encourage the involvement of the State and regional boards in analyzing BMPs and their effectiveness under different circumstances. This information should be made available through a web-based, searchable clearinghouse to allow easy access by all local enforcement agencies.
 - ❑ The Board should work jointly with cities, counties, and special districts to establish testing protocols for BMPs which could ultimately be incorporated into manuals available on-line through the clearinghouse. The Board should develop this program in a cooperative effort with CASA and CASQA.

- ❑ **Coordination Among Partners** – The Board should take the lead in developing coordination efforts with existing organizations such as CASA and CASQA that have expertise in technical, legal, and regulatory issues involving waste water and storm water issues. Efforts to involve the League of California Cities Water Quality Regulatory Task Force, the Bay Area Clean Water Agency, the Southern California Alliance of POTWs and the Central Valley Clean Water Association should be a priority.

❑ **Recommended Actions:**

- ❑ Establish a process of consultation and involvement with the parties of interest discussed above to better coordinate regulatory and legal activity

and information sharing during the rule development and implementation process.

- ❑ As a state agency, support the efforts of other interested parties in supporting legislative efforts to provide adequate funding for storm water and waste water programs.
- ❑ Compile and distribute through the clearinghouse for BMPs information on funding opportunities and options that are available from different sources for cities, counties, and waste water agencies.
- ❑ Support legislation that would authorize the Air Resources Board and air districts to regulate air pollution sources if the air pollution ultimately impacts water quality.
- ❑ Support legislation that promotes the use of environmentally friendly products and practices.

COMMENTS ON THE "DRAFT CALIFORNIA NONPOINT SOURCE PROGRAM FIVE-YEAR IMPLEMENTATION PLAN":

The City of Seal Beach supports the 2003-2008 Implementation Plan Objectives, as set forth within the document. In reviewing the detail provided of the specific programs proposed for implementation during the 2003-2008 time frame, the City is impressed with the breadth of the programs proposed; it is a most ambitious program given the current fiscal concerns facing not only the state, but each county, city, and special district organization that will have the responsibility to develop and implement programs during this time frame. The scope of this program reinforces our earlier comments on developing "partnerships" to allow for the effective utilization of scarce public resources for these important activities.

There are many programs presented within the document, and our community would like to call particular attention and encourage the continuing support of the State Board in the implementation of the following programs. The noted programs will have direct impacts on the ability of our staff to effectively cope with the increasing permit requirements, monitoring activities and enforcement actions that may be necessary. These programs will also have beneficial impacts upon the water quality that our citizens and visitors to our beach areas will either endure or enjoy during the time period of this implementation plan.

**Programs of Particular Interest and Supported
by the City of Seal Beach:**

Pre-Implementation 2.723

Monitoring Needs Assessment

Pre-Implementation 22.003

Coastal Development Permit and Local
Coastal Program Review

Implement 6.079	Long Beach MS4 NPDES Permit Renewal
Implement 22.006	Internal Staff Training
Implement 22.018	Web-based NPS Information
Track/Monitor 6.019	Water Quality Assessment, Source ID & Management Action Evaluation, San Gabriel River
Pre-Implementation 22.007-1	MURP and NEMO
Implement 22.009-3	Pollution Prevention/Education
Pre-Implementation 22.007-2	MURP and NEMO
Pre-Implementation 22.007-3	MURP and NEMO
Implement 6.050	TMDL Implementation for San Gabriel River - Nutrients
Implement 19.003-2	Resource-Efficient Landscaping
Pre-Implementation 6.008	Watershed Management Plan for San Gabriel River above Whittier
Pre-Implementation 22.001	Local Government Outreach
Pre-Implementation 22.012	Beach Water Quality Task Force (BWQTF)
Implement 6.032	San Gabriel Watershed NPS Pollution Reduction Program
Track/Monitor 6.020	Assessing and Reducing Sources of Plastics/Trash in Urban/Coastal Areas
Pre-Implementation 2.301	Establish Regional Standards for Sewage Disposal
Implement 2.305.1	Require Installation of Additional Sewage Disposal Facilities
Implement 2.400	Develop Technical Assistance Manual and CEQA Appendix
Pre-Implementation 15.004	Coordinate Wetlands-Related Projects in Southern California
Pre-Implementation 15.007	Include Wetlands in Basin Plan

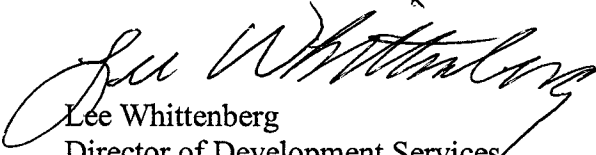
Implement 2.508	Develop CEQA Guidelines
Pre-Implementation 15.005	Coordinate/assist SCCWRP Coastal Activities
Implement 16.001	Caulerpa Taxifolia Eradication and Prevention

It is our sincere hope that these programs will provide significant and noticeable improvements to water quality within the San Gabriel River watershed, and particularly the lower reaches of the San Gabriel River and the receiving ocean waters of the Pacific Ocean. Our citizens, the citizens of Orange and Los Angeles Counties, and the millions of visitors to the beaches of the Long Beach, Seal Beach, and the more southerly beaches in Orange County deserve and will embrace these important water quality improvements.

Please feel free to contact our City Manager, John Bahorski, who is also a member of the League of California Cities Water Quality Regulatory Task Force regarding any of our comments. Mr. Bahorski can be reached at (562) 431-2527, extension 300, or by e-mail at jbahorski@ci.seal-beach.ca.us.

If you have particular questions of myself, I can be reached at (562) 431-2527, extension 313, or by e-mail at lwhittenberg@ci.seal-beach.ca.us.

Sincerely,


Lee Whittenberg
Director of Development Services
City of Seal Beach

Distribution: City Council
 Environmental Quality Control Board
 City Manager
 City Engineer/Director of Public Works

League of California Cities – Water Quality Regulatory Task Force



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Quality
1001 I Street, Sacramento, California 95814 ♦ (916) 341-5487
Mailing Address: P.O. Box 2231, Sacramento, California 95812
FAX (916) 341-5808 ♦ Internet Address: <http://www.swrcb.ca.gov>

Gray Davis
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.*

OCT 30 2003

Mr. Lee Whittenberg, Director
Development Services
City of Seal Beach
211 Eighth Street
Seal Beach, CA 90740

Dear Mr. Whittenberg:

CITY OF SEAL BEACH COMMENTS ON THE "DRAFT NONPOINT SOURCE PROGRAM FIVE-YEAR IMPLEMENTATION PLAN"

Thank you for taking the time to review and provide comments on the Draft Nonpoint Source (NPS) Five-Year Implementation Plan (Draft Five-Year Plan). It is through your communications and others like yours, that a statewide understanding of the importance of NPS Program implementation can occur. With this response, we would like to address the concerns expressed in your letter and hope this will further enhance your understanding of the program limitations and capabilities, as well as encourage your continued support.

Your August 28, 2003 letter (enclosed) expresses many concerns that are directly linked to point source issues, such as stormwater National Pollutant Discharge Elimination System (NPDES) permits and permit correspondence from the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB). Although the NPS urban category activities are related to the Phase I and II Stormwater Programs, the NPDES point source programs are conducted under a regulatory authority that is separate from the NPS Program. For this reason, your specific permit concerns need to be addressed through the Stormwater Programs at the State Water Resources Control Board (SWRCB) and Santa Ana RWQCB. In an effort to promote this communication, this letter is being forwarded to Mr. Mike Adackapara of the Santa Ana RWQCB and Mr. Bruce Fujimoto of the SWRCB.

The similarities, links, and common goals between the point source, stormwater permit programs, and the urban category activities of the NPS program however do exist. We appreciate your acknowledgement that these NPS activities have the potential to provide positive impacts to water quality in your area and will continue to promote their development as long as funding and other State resources allow.

One of the overarching issues that you discuss relates to interagency coordination of programs, which is a critical part of the effort for California's NPS Program implementation. Through the Interagency Coordinating Committee (IACC), most of the agencies that you listed were involved

California Environmental Protection Agency

OCT 30 2003

with NPS implementation through the Five-Year Plan and are conducting ongoing efforts to improve collaboration. These are important efforts, especially considering the ever-shrinking fiscal resources impacting all State agencies. It is also important to recognize that the SWRCB does not have any authority to require participation in the IACC, and it is to the credit of the 28 participatory agencies that many positive efforts continue to take place.

There is another statewide effort being conducted in California known as the Watershed Management Strategic Plan, which resulted in a recent memorandum of understanding (MOU) between the California Resources Agency and the California Environmental Protection Agency. The intent of the MOU is to develop coordinated implementation of the agencies' watershed programs (including NPS and Stormwater) as a crucial effort to addressing critical problems and the efficient and effective use of public funds. The MOU also specifies a process for stakeholder participation, which hinges on the California Watershed Council (CWC). If you wish to participate in the CWC, please contact Ken Coulter, SWRCB's Watershed Management Coordinator, at P.O. Box 100, Sacramento, CA 95812-0100 or coulk@swrcb.ca.gov. His telephone number is (916) 341-5496.

Thank you once again for your thoughtful suggestions and comments in the Draft Five-Year Plan. We hope that the clarifications in this letter, and changes made on the final Five-Year Plan will help address your concerns. We further encourage you to continue your communications with our NPS Program staff and to participate more fully in water quality protection through participation in the CWC and by expressing the importance of NPS pollution prevention through other administrative and legislative avenues.

If you have any further questions regarding the NPS Program Five-Year Plan, please do not hesitate to contact me at (916) 341-5487, or Margie Lopez Read of the NPS Program Plan Implementation Unit at (916) 341-5533.

Sincerely,



Steve Fagundes, Chief
NPS Program Plan Implementation Unit

Enclosure

cc: See next page

cc: Continuation page

Mr. Sam Ziegler
United States Environmental Protection
Agency, Region IX, WTR-3
75 Hawthorne Street
San Francisco, CA 94105

Mr. Al Wanger
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Mr. John Bahorski
Seal Beach City Manager
City Hall
211 Eight Street
Seal Beach, CA 90740

Mr. Mike Adackapara
California Regional Water Quality
Control Board, Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. Bruce Fujimoto, Chief
Stormwater Section
Division of Water Quality
P. O. Box 100
Sacramento, CA 95812-0100



CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5665 • FAX (916) 561-5691

September 2, 2003

Margie Lopez Read
State Water Resources Control Board
Water Quality Division
1001 I Street, 15th Floor
Sacramento, CA 95814

**RE: Draft California Nonpoint Source Program Five-Year Implementation Plan,
July 2003 through June 2008**

The California Farm Bureau Federation ("Farm Bureau") appreciates this opportunity to provide comments and suggestions pertaining to the *Draft California Nonpoint Source Program Five-Year Implementation Plan, July 2003 through June 2008* ("Draft Plan"). The Farm Bureau represents 53 county Farm Bureaus, and through them, more than 90,000 members. It is a non-profit, voluntary membership corporation whose purpose is to work for the protection of agriculture and the rural environment in the State of California, and to find solutions to the problems of the farm, the farm home, and the rural community of the state.

Farm Bureau supports the general purpose of California's Nonpoint Source Pollution Control Program to restore and protect waters through the implementation of management measures for potential nonpoint sources of pollution. Establishing and following through with a viable long-term implementation plan for agricultural water quality that addresses real water quality problems with practical, feasible, and cost-effective solutions is critical to sustain the ability of California agriculture to continue feeding the state and exporting reliable and affordable food supplies to the nation and the world. To this end, Farm Bureau believes there are a few aspects of the Draft Plan that should be addressed in further detail.

DRAFT PLAN OBJECTIVES AND GOALS

Section D, "Objectives and Activity Summary," sets forth nine objectives for the agricultural category of the Draft Plan. This list should be amended to reflect primary needs for coordination prior to the further implementation of the Nonpoint Source Pollution Control Plan. Farm Bureau believes that despite a multitude of Memoranda of Understanding, Management Agency Agreements, and other coordination agreements there continues to be a general disconnect resulting in inefficient implementation

decisions. In addition, the list should be amended to reflect existing coordination agreements and set forth the key provisions.

For example, subset "a)" is the only objective to identify and articulate any inter and intra-agency coordination. Other objectives that should be added include, but are not limited to: coordinating with the Department of Food and Agriculture to better understand the existing agriculture economic climate (commodity prices, input costs, impacts from disease, and other variables to the production process) as well as economic impacts associated with management practice implementation; coordinating with the Department of Pesticide Regulation to further understand the registration process and enforcement authority; coordinating with the Department of Conservation to further understand the potential impacts to the loss of agricultural lands; and coordinating with the University of California Cooperative Extension, Resource Conservation Districts, and the Natural Resource Conservation Service to gain further knowledge of management practice development and effectiveness.

RELATION TO OTHER STATE PROGRAMS

Section II B, Relation to Other State Programs, should be revised to better define the relationship of the Nonpoint Source Pollution Control Plan to other state programs. As written, this section currently provides a mere narrative summary of three programs that are within the State Water Resources Control Board's authority. The summaries lack specific details to show how these programs relate and there is no mention of other state water quality programs. It would be extremely beneficial to know how the Draft Plan affects or will interact with current state programs. For example, several state programs, including the Coastal Conservancy and the Wildlife Conservation Board, propose massive amounts of land acquisition as a mechanism for protecting and enhancing water quality. Management Measures as described by the Draft Plan may provide a lower cost alternative to outright land acquisition. It is unclear if this alternative is ever contemplated or even if the Management Measures are implemented after acquisition. It is this type of interrelationship with other State programs that should be explored and discussed in detail.

Thank you for the consideration of these comments on the Draft Plan. If you would like to discuss any aspects of these comments in further detail please feel free to contact me at either (916) 561-5614, or jhewitt@cbbf.com.

Thank you

A handwritten signature in black ink, appearing to read 'John Hewitt', with a long horizontal flourish extending to the right.

John Hewitt
Watershed Specialist



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street, Sacramento, California 95814 ♦ (916) 341-5487
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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

Mr. John Hewitt, Watershed Specialist
California Farm Bureau Federation
Natural Resources and Environmental Division
2300 River Plaza Drive
Sacramento, CA 95833-3293

Dear Mr. Hewitt:

CALIFORNIA FARM BUREAU FEDERATION COMMENTS ON THE DRAFT CALIFORNIA NONPOINT SOURCE FIVE-YEAR IMPLEMENTATION PLAN, JULY 2003 THROUGH JUNE 2008

Thank you for taking the time to review and provide comment to the Draft Nonpoint Source (NPS) Five-Year Implementation Plan (Draft Five-Year Plan). It is through your communications and others like yours, that a statewide understanding of the importance of NPS Program implementation can occur. With this response, we would like to take some time to address the concerns expressed in your letter and hope this will further enhance your understanding of the limitations and capabilities, as well as encourage your continued support.

Your letter expressed concerns related to specific interagency coordination not being one of the Draft Five-Year Plan's objectives. We agree that interagency coordination is critical to the success of the NPS program. As such, one of the objectives for the agriculture category is "Continue to improve upon existing interagency coordination in order to more effectively manage agricultural pollution". The specific "agency-related coordinating objectives" listed in your letter would be more appropriate to list as "specific activity objectives" that support the agriculture category objective relating to enhanced interagency coordination. In response to your comment, descriptions for the agricultural category objectives have been added to the final Five-Year Plan in order to clarify their meaning and provide examples of the specific types of interagency coordination that are included in this description.

Another part of the Draft Five-Year Plan you recommended to be considered for revision was the "Relationship to Other State Programs" section. The intention of this discussion was to clarify the integration of related programs under the State Water Resources Control Board's (SWRCB's) authority. This section was included in the report to address the SWRCB's various water quality programs. There have been some changes over the last five years in terms of how certain NPS discharges were managed and it was appropriate to describe these changes in order

OCT 30 2001

to provide a greater understanding of how they affect the NPS Program. A description has been added in the Five-Year Plan to clarify the intent of this section (Relation to Other SWRCB Programs).

As for other programs across the State that are related to NPS, these are discussed within the body of the Five-Year Plan. Each agency and Regional Water Quality Control Board (RWQCB) describes their NPS activities planned for the next five years, including any related programs that agency is involved with. Although members of the Interagency Coordinating Committee (IACC), the body that coordinated development of the Five-Year Plan, the Coastal Conservancy and the Wildlife Conservation Board did not participate in this effort. However, one of the major objectives of the Five-Year Plan is to promote the implementation of MMs and related practices by all levels of water quality managers (federal, State, watershed groups and other stakeholders)." We anticipate continued potential for water quality improvement and expanded stakeholder involvement in the IACC.

Thank you once again for your thoughtful suggestions and comments to the Draft Five-Year Plan. We hope that the clarifications in this letter, and changes made to the final Five-Year Plan will help address your concerns. We further encourage you to continue your communications with our NPS Program staff and to participate more fully in water quality protection through participation in the California Watershed Council and through other administrative venues that will confirm the importance of an effective NPS Program in California.

If you have any further questions regarding the NPS Program Five-Year Plan, please do not hesitate to call me at (916) 341-5487 or Jessie Maxfield of the NPS Program Plan Implementation Unit at (916) 341-5484.

Sincerely;



Steve Fagundes, Chief
Nonpoint Source Program Plan Implementation Unit

Enclosure

cc: See next page

cc: Continuation page

Mr. Sam Ziegler
Water Division, WTR-3
United States Environmental Protection
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Mr. Al Wanger
California Coastal Commission
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San Francisco, CA 94105

Mr. Mark Beyeler
State Coastal Commission
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Oakland, CA 94612-2530

Ms. Bonnie Turner
Wildlife Conservation Board
1809 13th Street, Suite 103
Sacramento, CA 95814



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

August 28, 2003

IN REPLY PLEASE
REFER TO FILE: WM-9

Ms. Margie Lopez Read
State Water Resources Control Board
Water Quality Division
1001 I Street, 15th Floor
Sacramento, CA 95814

Dear Ms. Read:

CALIFORNIA NONPOINT SOURCE PROGRAM FIVE-YEAR IMPLEMENTATION PLAN

Enclosed are our comments on the California Nonpoint Source Five-Year Implementation Plan.

If you have any additional questions, please contact Ms. Jessica Murphy at (626) 458-4323, Monday through Thursday, 7:30 a.m. to 6 p.m.

Very truly yours,

JAMES A. NOYES
Director of Public Works

FOR ROD H. KUBOMOTO
Assistant Deputy Director
Watershed Management Division

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Enc.

Document	Page	Activity Name	Discrepancy	Incorrect	Correct
Section IV	5	TMDL Implementation for Malibu Creek Nutrients	Date	06/30/2008	Date not yet established
Section IV	15	TMDL Implementation for LA River Pathogens	Date	10/01/2014	Not yet released
Section IV	15	TMDL Implementation for Malibu Creek Nutrients	Date	06/30/2008	Date not yet established
Section IV	17	TMDL Implementation for San Gabriel River Nutrients	Date	06/30/2008	Not yet released
Section IV	18	TMDL Implementation for Dominguez Channel Coliform	Date	06/30/2008	Not yet released
Section IV	19	TMDL Implementation for Ballona Creek Pathogens	Date	09/01/2014	Not yet released
Section IV	20	TMDL Implementation for LA River Metals	Date	10/01/2014	Not yet released
Section IV	35	LA River Street End Biofiltration	Location	LA County	North East Trees
Section IV	38	Watershed Management Plan San Gabriel above Whittier	Date	01/30/2004	12/30/2004
Section IV	39	Watershed Management Plan for Dominguez Channel	Date	01/30/2004	07/30/2004
Section IV	39	Watershed Management Plan for Rio Hondo River	Date	01/30/2004	02/28/2004
Section IV	40	Watershed Management Plan for Compton Creek	Location	LA County	Watershed Council
Section IV	40	Watershed Management Plan for Compton Creek	Date	02/28/2004	07/30/2004
Section IV	42	Malibu Creek Watershed Urban Runoff Reduction	Location	LA County	LVMWD

Section IV	42	San Gabriel Watershed NPS Pollution Reduction	Location	LA County	National Forest
Section IV	43	Three Springs Water Quality Improvements	Location	LA County	Village of Westlake
Section IV	44	Project Connect Restoring the Creek Community	Location	LA County	?
Section IV	45	Montana Basin Dry-Wet Weather Runoff BMP	Location	LA County	City of Santa Monica?
Section IV	46	Malibu Creek Watershed Wide Monitoring	Location	LA County	City of Calabasas
Section IV	47	Implementation of Coliform TMDL for Santa Monica Bay	Date	01/30/2004	7/15/06 (Dry Weather)
Section V	4	TMDL Implementation for Marina del Rey-Pathogens	Date	08/08/2013	Wet weather 10 or 18 years
Section V	4	TMDL Implementation for Marina del Rey-Toxics	Date	12/04/2013	Not yet released
Section V	19	TMDL Implementation for LA Harbor Beaches	Date	06/30/2008	Not yet released
Section VII	2	TMDL Implementation for Malibu Pathogens	Date	11/06/2013	Date not yet established
Section VII	11	City of LA Augustus B. Hawkins Wetlands Habitat	Location	LA County	City of LA?



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street, Sacramento, California 95814 ♦ (916) 341-5487
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Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

OCT 30 2003

Mr. Rod H. Kubomoto
Assistant Deputy Director
Department of Public Works
County of Los Angeles
900 South Fremont Avenue
Alhambra, CA 91803-1331

Dear Mr. Kubomoto:

RESPONSE TO COMMENTS ON THE DRAFT NONPOINT SOURCE (NPS) PROGRAM FIVE-YEAR IMPLEMENTATION PLAN

Thank you for your August 28, 2003 letter transmitting comments on our Draft NPS Five-Year Implementation Plan (Draft Five-Year Plan). The suggested corrections were forwarded to Regional Water Quality Control Board in Los Angeles, and appropriate changes will be made to the Draft Five-Year Plan.

Thank you once again for taking the time to review and comment. It is through these communications and others like them, that a statewide understanding of the importance of NPS Program implementation can occur. If you have any further questions, please do not hesitate to contact me at (916) 341-5487 or Margie Lopez Read of the NPS Program Plan Implementation Unit at (916) 341-5533.

Sincerely;

Steve Fagundes, Chief
NPS Program Plan Implementation Unit

cc: Mr. Al Wanger
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Mr. Raymond Jay
California Regional Water Quality Control Board,
Los Angeles Region
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County of San Diego

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August 29, 2003

Margie Lopez Read
Water Quality Division
State Water Resources Control Board
1001 I Street, 15th Floor, Sacramento, CA 95814

Dear Ms. Read:

Thank you for the opportunity to comment on the draft Plan for California's Nonpoint Source Pollution (NPS) Control Program. As a permitted municipal stormwater discharger, County of San Diego is well aware of the importance of effectively coordinating California's overall NPS management efforts. In many instances, local governments have neither the resources nor authority to effectively manage or regulate key sources of pollution impacting our receiving waters. We must therefore rely on a number of state agencies to help fill in those gaps. We appreciate the thoroughness of this draft plan in articulating the priorities that will be pursued by those agencies. This will aid us considerably in planning our program activities since it enables us to better prioritize our efforts within a broader statewide NPS management context.

The County of San Diego, like many municipal governments, relies heavily on state funding to achieve many NPS management objectives beyond those explicitly mandated under our Municipal NPDES Stormwater Permit. We are currently developing several watershed management plans using Proposition 13 grant funding, and have been invited to submit full Requests for Proposal for five additional projects under the 2003 Consolidated Watershed Protection and Nonpoint Source Pollution Control Grants Program. We believe the County's recent success in obtaining grant funding reflects a fundamental compatibility of the visions of our respective agencies, and hope that this remains true in the future.

As an NPDES-permitted municipal stormwater discharger, the County is particularly interested in the Urban Category, which has important implications for our own NPS management efforts. While we appreciate that many of the projects on the Activity Summaries for the Urban Land Use Category are slated for statewide implementation,

Ms. Read
August 29, 2003
Page 2

we were disappointed to see only one (Chollas Creek pesticide monitoring) is planned for the San Diego region. We therefore request efforts be made to focus additional resources in the San Diego region. Section B.2 of the Introduction and Overview states that the "Five-Year Plan Objectives will be continually reviewed and refined ... in order to continue to align the Objectives more closely with actual water quality measures and improvements ...". We commend the flexibility inherent in this approach, and hope it also extends to the prioritization of new activities and projects prior to the finalization of this plan and over the remainder of the 2003–2008 cycle. I have attached examples of projects that could be funded in San Diego County.

Thank you again for the opportunity to comment on this draft plan. The County looks forward to continued coordination on NPS management efforts in the future. We would be happy to discuss potential projects that might be undertaken in the San Diego region over the next several years.

Sincerely,

Chandra L. Wallar, Assistant Director
Department of Public Works

County of San Diego Watershed Protection Program Potential Projects for FY 03-04

9/4/2003

Science and Monitoring

1. Real-time Stormwater Monitoring and Now-casting and Fore-casting Capabilities for Watersheds (\$ 500,000 - \$ 2,500,000) - Develop two key functions needed to improve watershed and coastal water quality in San Diego County and provide the quick-response information necessary for early-warning of human health and environmental risks: (1) real-time precipitation, flow and water quality monitoring network based on wireless internet technology supporting the identification of source and impacts, and (2) data acquisition, dissemination, and modeling system to provide this information to the organizations and individuals with the responsibility for managing and responding to water quality impairments and risks. These functions provide immediate, short-term benefits to water quality managers and support a longer-term strategy of integrated watershed management in determining where stormwater is coming from and where it is going, as well as when and how much. These same technology resources can be used to augment flood warning and management systems.

Ongoing needs: Ongoing maintenance of monitoring equipment and data transmission infrastructure would be needed (costs undetermined). Additional costs would also be associated with expanding monitoring capabilities and extending coverage to the other 2/3 of the County's watersheds. This would be a multi-year process.

2. Web Cam with Internet Access for Sampling Sites (\$ 30,000 - \$ 50,000). The placement of water quality monitoring equipment adjacent to ALERT rain sensors could be beneficial to the County. The addition of cameras accessible through the Internet will provide visual confirmation of site conditions. Water surface elevations obtainable via surface gauge and camera and rain data collected through the ALERT sensors can provide additional valuable information to the assessment of water quality. This cost includes cameras (\$6,000) plus internet and cell phone access (\$3,000 per site).

Ongoing needs: Ongoing maintenance of monitoring equipment would be needed (costs undetermined). Additional costs would also be associated with extending coverage to other sites.

3. Watershed Modeling (\$ 100,000 - \$ 250,000) - Develop improved GIS-based modeling capabilities to support watershed management. Examples of potential applications include analyzing the transport and fate of contaminants, predicting the effects of hypothetical land development scenarios, establishing geo-spatially derived program funding formulas, and predicting sewage spill impacts to local beaches. This work would build on the results of work previously conducted by the San Diego Supercomputer Center under contract to the County during 1999 and 2000.

Ongoing needs: Completion of this project implies the ongoing use of modeling tools and continued collection of data necessary to run it. Additional costs might be associated with continued improvement of the model in future years. Costs cannot be estimated prior to the completion of the project.

4. Regional Tiered Monitoring Program (\$ 80,000 - \$ 250,000) – Develop improved watershed monitoring capabilities using a tiered approach that incorporates the monitoring conducted by various existing entities including academia, regulatory agencies, local jurisdictions, and community organizations. The project would consist of (1) identifying and evaluating the various watershed and water quality monitoring efforts being conducted throughout the County, (2) working with the various entities conducting these programs to agree on consensus objectives, (3) developing a strategy for integrating monitoring results to support holistic watershed assessments, and (4) developing an approach / infrastructure to support the ongoing integration and dissemination of monitoring results.

Ongoing needs: On completion of the project, ongoing costs would be limited to maintenance and population of the database. Assuming that monitoring data are provided free of cost, ongoing maintenance should be less than \$ 5000 / yr.

5. On-line Citizen Monitoring Database (\$ 25,000 - \$ 75,000) – Work with academic, non-profit, and volunteer groups to develop consistency in citizen monitoring data formats to enable convenient access and dissemination through the County's Project Clean Water website or another appropriate vehicle. The project would consist of (1) identifying and evaluating the various citizen monitoring efforts being conducted throughout the County, (2) working with the various entities conducting these programs to reach consensus on standards for data submission, and (3) developing a internet-based system for data dissemination.

Ongoing needs: On completion of the project, ongoing costs would be limited to maintenance and population of the database. Assuming that monitoring data are provided free of cost, ongoing maintenance should be less than \$ 2500 / yr.

6. Rainbow Creek Pilot Nutrient Monitoring Program (\$ 175,000) – Develop a nutrient monitoring program for the Rainbow Creek basin to the support ongoing Total Maximum Daily Load (TMDL), and to serve as a model for future assessments of nutrient impairment in the County. The focus of this project would be to develop appropriate and reliable indicators of impairment, and to provide a basis for revision of water quality standards to better reflect local conditions. A variety of sources (septic systems, orchards, commercial nurseries, etc.), parameters (nitrates, phosphates, chlorophyll, etc.), and media (surface water, groundwater, and aerial deposition) would be investigated. After the implementation of an intensive two-year baseline characterization, ongoing monitoring would be conducted at reduced levels to evaluate trends and assess management measures.

Ongoing needs: No new additional costs would be associated with the completion of this project. The County is already obligated to conduct ongoing nutrient monitoring. Completion of this project could reduce those obligations.

7. Pilot Dry Weather Monitoring Program (\$ 40,000 - \$ 115,000) – Augment existing monitoring efforts to provide additional data for the unincorporated County. Urban stream bioassessment (\$ 75,000) would be conducted two times (spring and fall) at 50 locations to establish a comprehensive baseline of biological diversity in streams throughout the unincorporated County. Dry weather mass loading (\$ 40,000) would be conducted concurrently at two locations during the spring sampling to assess potential loadings and to evaluate potential relationships of chemical constituents to stream health.

Ongoing needs: As a pilot, this project would not obligate the County to conduct further work. If the County chooses to conduct ongoing monitoring, it would be at reduced levels, probably at an annual cost of \$ 20,000 - \$ 50,000.

8. Unincorporated Wet Weather Monitoring Program (\$ 150,000 - \$ 600,000) – Existing regionally conducted programs focus on the collection of monitoring data at the bottom ends of watersheds. This approach provides little information that can be used to directly assess upstream loadings or water body health. Additional data are necessary to provide a clearer picture of contaminant loadings from the unincorporated County. A pilot program would be initiated to develop an extensive baseline of conditions from the upstream portions of the 2-10 watersheds for which the County shares responsibility. This would provide a baseline for the ongoing implementation of a reduced and more focused program in future years (e.g., a lesser number of constituents would be tracked over time at key stations).

Ongoing needs: As a pilot, this project would not obligate the County to conduct further work. If the County chooses to conduct ongoing monitoring, it would be at reduced levels. Ongoing annual costs would probably be less than \$ 150,000.

9. Work plan for Evaluation of Total Dissolved Solids (TDS) and Nutrient Water Quality Objectives (\$ 100,000) – The Project Clean Water (PCW) Basin Planning Issues Workgroup has recommended to the RWQCB that the total dissolved solids (TDS) water quality objective be evaluated and revised to reflect local conditions. Assuming this project is accepted, funding of approximately \$ 100,000 would be needed to develop a work plan to define specific projects to be implemented under the management plan. This would include development of project costs and funding alternatives.

Ongoing needs: The completion of this work plan would not obligate the County to conduct further work. However, it should be noted that fully funding any of these projects is likely to cost several hundred thousand dollars each. The County would work with the Regional Board and other stakeholders to identify and secure such funding.

Database / Data Management

10. Watershed-Based Data Management System (\$ 250,000 - \$ 750,000) - Develop and implement a data management infrastructure and database tools necessary to provide decision support for watershed and pollution management activities in the eleven coastal watersheds of San Diego County. Water quality data are currently gathered by numerous agencies, academic institutions, and other entities without regard for their regional integration or system-wide analysis. This system would increase the availability and improve the analysis of these data in support of federal, state, and local water quality and environmental resource management programs. It would also specifically support the San Diego Regional Board's ability to update its Basin Plan and Clean Water Act section 303(d) Impaired Waterbodies List.

Examples of activities to be funded include the evaluation of management objectives, the identification and integration of existing tabular and geo-spatial data for the County's watersheds into a comprehensive decision support framework, the transformation of selected analog non-point source and monitoring data into digital formats, the development of Geographic Information System (GIS) analytical and visualization technologies, and the dissemination of data and analytical tools to management agencies, researchers, and the public via the internet.

Ongoing needs: The completion of this system would not obligate the County to conduct further work. Ongoing database maintenance would likely cost less than \$ 5,000 / yr.

11. GIS-Based Watershed-Based Source Management Program (\$ 80,000 - \$ 100,000) – Using a “reverse engineering” approach, develop GIS and visualization tools and methodologies to assist managers in understanding the causes of water quality impairments. Examples of activities to be funded include the collection of existing source data, baseline assessment of contaminant levels in watersheds, development of source management agendas, development of visualization techniques to aid in source management, development of model programs for managing sources of contamination, and community outreach to convey results to interested parties. Although the project would focus on a specific priority constituent (e.g., bacteria), results would have broad applicability to other key problems.

Ongoing needs: The cost of ongoing use of this product would be limited to database maintenance and data acquisition for future projects. Data are generally publicly accessible at little or no cost; database maintenance should be less than \$ 5,000 / yr.

12. Stormwater Conveyance System Digitization (\$ 400,000) - The County has recently completed an effort to digitize the stormwater conveyance system that it operates and maintains. In defining and implementing this effort, the County necessarily excluded portions of the system for which it has not accepted maintenance responsibility (e.g., “private” facilities). This initial approach enabled the County to meet its short-term obligations under its Municipal Stormwater Permit, but longer term needs (e.g., system-wide modeling and analysis of flood control and water quality impacts) will require that the entire system, regardless of ownership or maintenance responsibility, be transformed to a GIS format. The purpose of the Santa Margarita Watershed Pilot Project is to collect and digitize conveyance system data for that portion of the Santa Margarita Watershed located within the unincorporated area of the County that will allow the development of a comprehensive GIS coverage. This will be accomplished through a combination of field mapping and records review / digitization. An important outcome of this project will be an assessment of the feasibility and costs associated with completing this task for the entire unincorporated County. A second important focus will be the identification of automated methods of digitization that can be applied during this project and to other similar future applications. This project will take 3-4 years to complete.

Ongoing needs: GIS coverages must be periodically updated to ensure their accuracy and integrity. These costs would be estimated as part of the project.

13. Flowage Easement Study (\$ 75,000 - \$ 100,000) - There are approximately 4000 flowage easements within the County that are not maintained. These easements can be a source of pollutants since we are unaware of the site conditions. A pilot study to locate, provide site conditions, and integrate into our MS4 GIS database could reduce potential pollutant loads and reduce County liability.

Ongoing needs: GIS coverages must be periodically updated to ensure their accuracy and integrity. These costs would be estimated as part of the project.

14. Project Clean Water Website Update (\$ 15,000 - \$ 25,000) – Over the past year, the County has established its Project Clean Water website as a regional source of watershed and water

quality information. To maintain this role, and ensure continued public interest in the site, additional content and functionality must be developed.

Ongoing needs: No additional costs are associated with completion of this project. It would likely be several years before a comprehensive update of the web site would be needed. Other, less extensive updates are within the capability of County staff.

15. Stormwater Program Database Centralization (\$ 300,000 - \$ 500,000) – In response to increasing Municipal Stormwater Permit requirements, the County has implemented a number of new and augmented programs. As such, data acquisition and management requirements have increased significantly. Due to the short time frames during which these new programs were developed, database and data management strategies have lagged behind, resulting in a de-centralized and fragmented approach to data assessment and reporting. To keep pace with increasing requirements, and to ensure that program data and information do not “sit on a shelf”, the County should invest in the development of a dynamic data management system that establishes a centralized “command center” through which program staff at all levels can access key data and information. This project builds on the concept already established through PB Views and would utilize internet or intranet capabilities such as the web portal recently developed for the MSCP.

Ongoing needs: Ongoing database and data maintenance costs would not increase over those currently associated with the many databases already in use. These costs could conceivably be reduced.

Outreach / Public Participation

16. Regional Watershed and Water Quality Forums (\$ 25,000) – Conduct a series of workshops and other public forums to explore priority watershed, water quality, and environmental resource issues of regional significance. Pursue projects that strengthen coordination of efforts and improve the effectiveness of local water quality management activities in a manner consistent with the stated goals and objectives of Project Clean Water as articulated in the Clean Water Strategic Plan. For example, increasing the utilization of science and technology to develop innovative management practices, supporting compliance with water quality laws and regulations, and supporting various stakeholder and public participation forums such as the annual Clean Water Summit.

Ongoing needs: None.

17. Residential Baseline Awareness Surveys (\$ 60,000) – The Municipal Stormwater Permit requires that outreach programs measurably change the knowledge and behavior of targeted audiences, both for jurisdictional- and watershed-based program requirements. To assess program effectiveness in achieving these goals, a comprehensive baseline against which change can be measured must be established. A comprehensive regional survey of residents would be conducted to provide this baseline. A survey tool has already been designed. Additional funding would allow the inclusion of sample sizes necessary to ensure that statistically significant populations are sampled.

Ongoing needs: A follow-up survey (@ \$ 10,000 - \$ 15,000) would be needed within the next few years to evaluate program progress. This follow-up survey must be funded regardless of whether this expanded baseline survey is conducted.

18. Mass Media Campaign (\$ 100,000 - \$ 400,000) – Stormwater educational efforts to date have focused on reaching residents through a variety of approaches. Mass media such as television and radio are a part of this strategy, but are not highly emphasized because they are expensive. A one-time media blitz over the next two years would help to more firmly establish the stormwater pollution problem in the mind of the public and to encourage them to take ownership of the solutions. In subsequent years, mass media campaigns could be conducted at reduced levels to build on and reinforce these messages. To utilize economies of scale, this effort could be integrated with the City of San Diego's Think Blue campaign

Ongoing needs: None. The purpose of this project is to establish a solid framework on which subsequent (and already required) outreach efforts will be built.

19. School Curriculum Development (\$ 50,000) – Educators are currently working cooperatively to develop regionally consistent curricula to incorporate watershed and water quality principles into lesson plans. Additional funding would help to improve and complete this project sooner.

Ongoing needs: None. Future updates could be accomplished through the voluntary participation of educators and municipalities.

20. Regional Pesticide Use Reduction Campaign (\$ 150,000 - \$ 250,000) - Residential pesticide use is a problem of major concern in San Diego County. Examples of activities to be funded include point of purchase (POP) campaigns and training on Integrated Pest Management (IPM) for residents, training for pest control applicators, and training for managers and employees of retail establishments where pesticides are sold for home use.

Ongoing needs: None, unless the County and partners choose to conduct additional work. In future years, these concepts should be fully integrated into existing stormwater outreach programs.

21. Watershed Awareness Campaign (\$ 75,000 - \$ 150,000) – Instilling citizen ownership of watersheds and water quality is key to affecting long-term changes in behavior. In addition to providing a basis for other outreach efforts, a watershed awareness campaign would help to meet the watershed requirements of the Municipal Stormwater Permit.

Ongoing needs: None, unless the County and partners choose to conduct additional work. In future years, these concepts should be fully integrated into existing stormwater outreach programs.

Planning / Watershed Management

22. Watershed Management Plans (\$ 50,000 - \$ 100,000 per watershed)– Augment current funding dedicated to the development of watershed management plans. Costs would depend on the level of funding already secured for each watershed.

Ongoing needs: Undetermined. The County's watershed planning efforts are still in their infancy. Completion of this project would not obligate the County to conduct additional planning work.

BMP Evaluation Projects

23. Drain Inlet Insert Monitoring (\$ 25,000 - \$ 50,000). The County recently installed approximately 70 drain inlet inserts throughout the County. However, monitoring of the water quality downstream of these inserts has not been conducted. Relying on data gathered in other areas to assess program performance is problematic because rain patterns in Southern California are unique. Direct assessment of the performance of these devices would be beneficial.

Ongoing needs: None, unless the County elects to conduct similar work later (e.g., to further evaluate performance over the life of the project).

24. Roadway Maintenance Facility Monitoring (\$ 20,000 - \$ 60,000). DPW has put a variety of BMPs in place at its road maintenance stations to manage the stormwater impacts of stockpiles and equipment. However, it is currently not known how much and what types of pollutants run off these sites during storm events. County sites should be evaluated because they exhibit different pollutant loading characteristics than similar facilities experiencing different rainfall patterns. Results of monitoring conducted at several sites that represent different climatic conditions and site activities would be used to assess and modify control strategies to maximize their effectiveness, and to provide a baseline for measuring change against over time.

Ongoing needs: None, unless the County elects to conduct similar work later (e.g., to further evaluate performance over a longer period).





State Water Resources Control Board



Gray Davis
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Winston H. Hickox
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OCT 30 2003

Ms. Chandra L. Wallar, Assistant Director
Department of Public Works
County of San Diego
5555 Overland Avenue
San Diego, CA 92123-1295

Dear Ms. Wallar:

COUNTY OF SAN DIEGO COMMENTS ON THE "DRAFT CALIFORNIA NONPOINT SOURCE PROGRAM FIVE-YEAR IMPLEMENTATION PLAN", July 2003

Thank you for taking the time to review and provide comments to the Draft Nonpoint Source (NPS) Five-Year Implementation Plan (Draft Five-Year Plan). It is of great value that your organization follows the progress of California's efforts on the NPS Program, and it is through your communications and others like yours, that a collaborative process for implementation of the NPS Program can occur.

You expressed in your August 29, 2003 letter some disappointment that only one activity (Chollas Creek pesticide monitoring) was planned for the San Diego Region. Since the Draft Five-Year Plan was made available to the public for review in June, a number of activities have been added by the San Diego Regional Water Quality Control Board for the San Diego area. A copy of these activities is enclosed with this letter, and it is worth noting that 18 of them are listed in the Urban Category. I hope this helps alleviate your concern, and affords the County of San Diego greater opportunities for collaboration with the agencies involved in these activities.

Additionally, your suggestions for funding have been forwarded to the State Water Resources Control Board's Division of Financial Assistance (DFA). The DFA staff are actively involved in the process of distributing grant and bond funds for NPS related activities.

Thank you again for taking the time to review and comment on the Draft Five-Year Plan. It is through these communications and others like them, that a statewide understanding of the importance of NPS Program implementation can occur. If you have any further questions, please do not hesitate to contact me at (916) 341-5487 or Margie Lopez-Read of the NPS Program Plan Implementation Unit at (916) 341-5533.

Sincerely;

Steve Fagundes, Chief
NPS Program Plan Implementation Unit

Enclosures

cc: See next page

cc: Continuation page

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